

HISTORY AND GOVERNMENT OF WASHINGTON STATE



TAYLOR

"THE EVERGREEN
STATE"



LIBRARY OF CONGRESS.

Chap. Copyright No.

Shelf JK 9 2 2 5
1898

UNITED STATES OF AMERICA.

T 2

MAR 29 1898

HISTORY AND Government of Washington,

TO WHICH ARE APPENDED

THE CONSTITUTION OF THE STATE OF WASHINGTON

AND

CONSTITUTION OF THE UNITED STATES

AND

LISTS OF TERRITORIAL AND STATE OFFICERS

BY

J. M. TAYLOR, M. S.

PROFESSOR OF MATHEMATICS AND ASTRONOMY IN THE UNIVERSITY OF WASHINGTON FROM 1885 TO 1897; SOMETIME PROFESSOR OF PEDAGOGY IN THE UNIVERSITY OF WASHINGTON; SECRETARY OF THE STATE BOARD OF EDUCATION FROM 1893 TO 1897.

*"Take the wings
Of Morning—and the Barcan desert pierce,
Or lose thyself in the continuous woods,
Where rolls the Oregon, and hears no sound,
Save his own dashings—yet—the dead are there."*

—BRYANT. **2nd COPY,**
1898.

ST. LOUIS, MO.:

BECKTOLD PRINTING AND BOOK MFG. CO.

1898.

L

17336
TWO COPIES DEPOSITED

JK 9225
1898
T2

4418



COPYRIGHT 1898,
BY
W. B. BECKTOLD



25.8
5152



DEDICATED
TO
ARTHUR A. DENNY,
THE PIONEER,
AS A TOKEN OF ESTEEM
BY THE AUTHOR.

PREFACE.

The study of local history and civil government is an essential part of the training of the young people of our country.

The design of the present work is to furnish for the youths of the state of Washington a reliable text book on the history and government of our commonwealth.

Pains have been taken to verify every historical event presented. The task was a difficult one, and doubtless errors still exist in the book. Any corrections pointed out by readers will be thankfully received by the author.

The plan and execution of the book are believed to conform to the true principles of pedagogy.

J. M. TAYLOR.

PART I.

HISTORY OF WASHINGTON.

CHAPTER I.

DISCOVERY AND EXPLORATION.

1. **Early Voyages.** The history of the state of Washington begins with the early voyages of European navigators to the northwest coast of the Pacific. The Spanish, the Russians, the English and the French all sent vessels to this coast; some to search for a northwest passage connecting the Atlantic with the Pacific, some to engage in the fur trade with the Indians.

2. **The Strait of Anian.** It was long believed that Gaspar Cortereal, a Portuguese navigator, who explored the coasts of Labrador in 1499 and 1500 had actually sailed through a channel, named by him the Strait of Anian, westward from the Atlantic, nearly on the line of the 58th parallel of latitude, into another great sea, tributary to the Indian ocean. The belief in the existence of such a northwest passage to India caused many voyages to be made to the coasts of North America both on the Atlantic and the Pacific during the sixteenth and seventeenth centuries.

3. **The Northwest Passage Eagerly Sought.** All the great maritime nations of Europe were anxious to discover the northwest passage. Jacques Cartier from 1534 to 1541 made three voyages to the North Atlantic under the French flag to find it. The English in 1576 sent Martin Frobisher to the North Atlantic coast to find it. One of the injunctions given to the Hudson's Bay Company in 1669 was to prosecute the search for a northwest passage for ships from the Atlantic to the Pacific. In 1745 the British government offered a reward of twenty thousand pounds for the discovery of a northwest passage "through Hudson's Bay, by ships belonging to his majesty's subjects."

Nearly all the early voyages of the Spanish, Russian, and English navigators to the northwest Pacific coast were made to find this supposed interoceanic communication.

4. **Voyages of Cabrillo and Ferrelo.** In 1542 Cabrillo, a Spanish navigator, with two small vessels sailed northward along the coast of California to search for the Strait of Anian. He discovered a small harbor which he named Port Possession, situated in the island of San Bernardino, near the main land in latitude 34 degrees north. This was the first land taken possession of by the Spanish on the Pacific coast. Here Cabrillo died, and the pilot, Bartolome Ferrelo, was left in command. Fully as zealous and determined as his predecessor, Ferrelo resolved, if possible, to accomplish the objects of the expedition

and sailed northward. On the 26th of February, 1543, he discovered a promontory situated in latitude 41 which he named Cabo de Fortunas (Cape of Perils, or Stormy Cape), now called Mendocino. On March the first, he reached the latitude of 44 degrees. Without doubt Ferrelo was the first civilized man to see the coast of Oregon, but he did not chart its coast nor make a landing upon it.

5. **The Spanish Galleons.** The Spanish nation held full sway on the Pacific for a long time after the voyages of Cabrillo and Ferrelo. Her large ships called galleons sailed back and forth across the Pacific richly laden with precious metals and European merchandise in return for which they brought back silks, spices, porcelain and other oriental products for trade with America or for transportation to Europe. These galleons proceeding from Mexico to India were wafted by the trade winds directly across the ocean, the voyage taking about three months, the return occupying about twice the time. They always made the west coast of California, in consequence of which the lower Pacific coast was well known before the end of the sixteenth century. Their route did not carry them as far north as the limits of the present state of Washington and of this country they knew nothing, but their presence on the Pacific led the navigators of other nations here as we shall see.

6. **Voyage of Drake.** The time was fast approaching when the flag of the Spanish merchantmen was to disappear from the Pacific. Both England and

France were watching this profitable Spanish trade with jealous eyes. They commissioned privateers to prey upon the commerce of Spain. The most noted of these was Sir Francis Drake. He was nothing but a freebooter and Queen Elizabeth knew it, but favored his enterprise through her hatred for Spain. Drake entered the Pacific through the Strait of Magellan in September, 1578, with one small vessel and sixty men. He proceeded northward, plundering the Spanish settlements and ships on the west coast. Having loaded his vessel with spoils he determined to return to England by sailing northward to search for the Strait of Anian through which to pass to the Atlantic and thus avoid the Spanish. It is alleged that Drake advanced northward beyond the 42d degree and then turned southward, coasting along the shore to a bay in 38 degrees north latitude, supposed to have been San Francisco bay. Here he remained five weeks, repairing his vessel. He went ashore and took possession of the country in the name of his sovereign and named it New Albion. There is no evidence that Drake discovered any land north of the 38th parallel and the discoveries which he did make had long been anticipated by the Spanish.

7. *Voyage of Juan de Fuca.* It is related by Michael Lock, an Englishman, that an old man named Juan de Fuca, a Greek by birth, by profession a mariner and an ancient pilot of ships, declared that in 1592 he was sent with a small caraval to discover the Strait of Anian and that he followed a northwest course along the coasts of Mexico and California

until he came to the latitude of 47 degrees, and there found the land trended north and northeast, with a broad inlet of the sea between the 47th and 48th degrees of latitude. He claimed to have spent more than twenty days in exploring this inlet and then returned to Acapulco, whence he came. Many historians are disposed to discredit the story of the old Greek pilot, but whether true or false, the name of Juan de Fuca is forever fixed as the name of the strait which connects the waters of Puget Sound with the Pacific.

8. **Voyages of Sebastian Viscaino.** Viscaino, a distinguished Spanish officer, made two voyages along the northwest coast in 1602 and 1603 by order of Philip III to search for the Strait of Anian. He left Acapulco with three vessels and sailed northward along the coast to latitude 43 degrees, near which he discovered a rapid river, on the banks of which grew ash trees, willows, brambles and other trees of Castile. Viscaino endeavored to enter this river, but could not because of the force of the current, and returned to Acapulco. The stream which he discovered is believed to be the Umpqua, a river of Southern Oregon. Thus discoveries were being made, but the phantom of the Strait of Anian was still beyond the reach of the navigator.

9. **The Period From 1608 to 1768.** For more than a hundred and sixty years after the voyages of Viscaino, no attempt was made by the Spanish to extend their discoveries in the northwest part of America.

This country during this period remained almost unknown to the civilized world. It was the *terra incognitissima*.

10. The Voyage of Juan Perez. In 1774 and 1775 two exploring voyages were made by order of the Spanish government, in which the northwest coast of America was examined, as far north as the 58th degree of latitude. These voyages have a direct bearing on the early history of the state of Washington. The first was made by Juan Perez accompanied by Estevan Martinez, as pilot. Perez sailed from San Blas northward to the 60th degree of latitude and then turned southward, surveying the coast as he went. The first land observed was in latitude 54 degrees north at a point on the west side of the island afterwards named Queen Charlotte's Island by the British. Perez also discovered a deep bay in latitude 49 degrees 30 minutes north, at the entrance of which he anchored between two high promontories. He named it Port San Lorenzo, perhaps the same bay to which Captain Cook, four years later, gave the name King George's or Nootka Sound, situated on the southwest side of Vancouver Island. Proceeding southward along the coast, Perez saw in latitude 47 degrees 47 minutes a lofty mountain covered with snow, which he named Sierra de Santa Rosalia—probably Mount Olympus. Martinez, the pilot, many years after, said that he had observed between the 48th and 49th parallels a wide opening of land, and the Spanish on the strength of this statement have claimed

for Martinez the merit of rediscovering the strait of Juan de Fuca.

11. **The Voyages of Heceta and Bodega.** After the return of Perez to Mexico, the viceroy ordered a second expedition to be made to examine the north-west coast as far north as the 65th degree of latitude. Accordingly Captain Bruno Heceta and Lieutenant Juan de Bodega with two vessels sailed from San Blas northward. They sighted land in latitude 48 degrees 27 minutes north and proceeded to examine the shore southward in search of the strait of Juan de Fuca, which was placed on their chart between the 47th and the 48th degrees of latitude. Of course they did not find the strait and having satisfied themselves that no such opening existed there, they cast anchor near the shore. Here seven of the crew having gone ashore for water were killed by the natives. The site at which this occurred was named by Heceta *Punta de Martires*—Martyr's Point. It is now called Point Grenville, in latitude 47 degrees 20 minutes on the west coast of Washington. Just north of this point Heceta discovered an island which for the same reason he named *Isla de Dolores*—Isle of Sorrows—now called Destruction Island. Afterward Heceta proceeded southward along the shore and in latitude 46 degrees 17 minutes he observed a strong current flowing from an opening in the shore against which he could not enter. Undoubtedly it was the mouth of the mighty Oregon, the great river of the west, but Heceta knew it not and so sailed away and

lost the glory of being its discoverer. That the current of the Columbia was first seen by Heceta on the 15th of August, 1775, is unquestionable.

12. **Origin of the Name Oregon.** The name Oregon applied to the great river of the west seems to have been first used by Jonathan Carver in his book of travels published in London in 1778. William Cullen Bryant may have found the name which he uses in his beautiful poem *Thanatopsis* in Carver's narrative.

13. **Captain Cook's Voyage to the North Pacific.** Captain James Cook sailed from Plymouth, England, on the 12th of July, 1776, with two ships, bound for the northwest coast of America, in sight of which he arrived on the 7th of March, 1778, near the 44th degree of latitude. Cook examined the coast northward and discovered a cape a little north of the 48th parallel, which he named Cape Flattery, the northwest point of the state of Washington, sometimes called Cape Classet.

14. **The Fur Trade in the Northwest.** During Cook's voyage Great Britain was at war with the United States, France, and Spain and the British government withheld all information in regard to the voyage until the close of the war. The war having ended, the regular journals of the expedition were published at London in 1785. These journals gave an account of the abundance of fine fur to be obtained in Northwest America and the high prices paid for fur in China. Soon the fur trade became very profit-

able and the merchantmen of all the commercial nations began to compete with one another in the fur trade between Northwest America and China. One of the chief competitors after the war was the new nation bearing the ensign of Stars and Stripes. But the Russians were the first to avail themselves of Cook's discoveries, for as early as 1783 they had established several colonies in Russian America, now Alaska, and were ready to engage in the fur trade. The fur trade caused many voyages to the northwest Pacific coasts. An account of several of these is valuable to this history, as it embraces the claims and rights of several nations to the territory now comprised by the state of Washington.

15. *Voyage of La Pérouse.* The government of France sent their great navigator La Pérouse to the North Pacific in 1785 with special instructions to "explore the parts of the northwest coasts of America which had not been examined by Cook, and of which the Russian accounts gave no idea, in order to obtain information respecting the fur trade, and also to learn whether, in those unknown parts, some river or internal sea might not be found communicating with Hudson's Bay or Baffin's Bay." La Pérouse first saw the coast in June, 1786, near the foot of Mount Fairweather, and then turned southward examining the coast between the 54th and the 52d parallels on the west side of Queen Charlotte's Island, which La Pérouse suspected to be insular, although he did not establish the fact. The Journal of La Pérouse's

voyage was not published until 1797 and in the meantime all his discoveries had become well known to other navigators.

16. **Voyages of Portlock and Dixon.** After Cook's voyage the next discoveries on the northwest coast of America were made by Captains Portlock and Dixon in 1786-7. They left England together in command of the ships *King George* and *Queen Charlotte*, passed around Cape Horn and reached Cook's river in July, 1786. Then went to Nootka Sound, thence to the Sandwich Islands and returned to Prince William's Sound in the spring of 1787. Here Dixon left Portlock and sailed along the coast to the inlet on the south side of Mount San Jacinto, or Edgecumb, which Dixon named Norfolk Sound. Dixon also claimed the discovery of the land between the 54th and 52d degrees of latitude, on the ground that it had not been seen by Cook, although it was specially marked on Cook's chart as discovered by the Spanish in 1775. Dixon said that he was told by the natives that the land was an island and named it *Queen Charlotte's Island*; the passage immediately north of it he called *Dixon's Entrance*.

17. **Voyages of Duncan and Colnett.** In 1787 Captain Duncan, in the ship *Princess Royal*, and Captain Colnett, commander of the ship *Prince of Wales*, were sent by King George's Sound Company to engage in the fur trade in the North Pacific. Duncan in 1788 explored the sea between *Queen Charlotte's Island* and the main land and thus proved

what Dixon had assumed and what La Pérouse had guessed. This exploration of Duncan's led to the belief that the whole northwest part of America consisted of islands. Thus little by little the truth was unfolding.

18. *Re-Discovery of the Strait of Fuca.* The coast of Washington was not visited by the people of any civilized nation from the time of Cook's voyage until 1787. In this year Captain Berkeley, an Englishman, commanding a ship named the *Imperial Eagle* sailing under the flag of the Austrian East India Company, discovered the Strait of Fuca situated immediately north of Cape Flattery, opening into the ocean between the 48th and the 49th parallels, instead of between the 47th and 48th, as stated in Juan de Fuca's account. This statement had misled all the other navigators until this time and caused them to doubt Fuca's story. Berkeley did not attempt to explore the passage, but sailing along the coast south of Cape Flattery, he sent a boat ashore, the crew of which were killed by the natives, almost at the same place where the Spaniards of Bodega's crew were massacred in 1775. The island near, which Bodega had named *Isla de Dolores*, Berkeley, for a like reason, called *Destruction Island*. It is the only island off the west coast of Washington and is situated almost due west of the city of Seattle.

19. *Voyage of Meares.* In November, 1787, Berkeley communicated the re-discovery of the Strait of Fuca to John Meares, who had been a lieutenant in

the British navy and who at the time was at Macao preparing for a trading voyage to the northwest coasts of America. Meares sailed from Macao on the first of January, 1788, with two ships under the Portuguese flag. Besides himself there was but one other English subject on board of the ships, William Douglas, acting as super-cargo. The circumstances connected with this voyage led to the first dispute and the first treaty between civilized nations relative to this part of the world.

20. Meares' Nootka Purchase. Meares sailed directly to Nootka Sound, where he had been in a previous voyage. Here he claimed that he had purchased a tract of land from Chief Maquinna, native ruler of the country, and erected a house thereon over which he hoisted British colors. A strange procedure for a navigator sailing under the Portuguese flag! From Meares' own statement it is clear that Maquinna made this grant of land for a small consideration—"a pair of pistols"—and "only for temporary purposes."

Leaving a part of his crew at Nootka engaged in building a small vessel, Meares, sailed to the entrance of the passage supposed to be the Strait of Juan de Fuca, which he reached by following the directions given by Berkeley. He called it by the name of its original discoverer, Juan de Fuca, a name it has borne ever since.

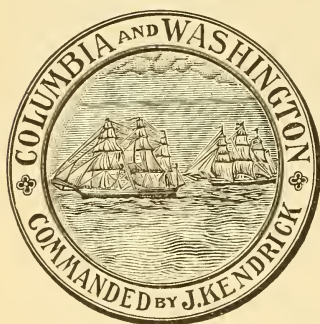
21. Meares Attempts to Find River San Roque. From the Strait of Fuca Meares sailed along the

shore southward in search of the river which the Spaniard, Heceta, had charted near the 46th degree of latitude and named *Rio de San Roque*, as related in the account of Heceta's voyage. Having examined this latitude, without observing the current of the river, Meares named the promontory which forms the southwest point of Washington Cape Disappointment, and the indentation in the shore Deception Bay—very appropriate names for the occasion—and made the following entry in his Journal: "We can now with safety assert that there is no such river as that of St. Roc exists, as laid down in the Spanish charts." This statement is somewhat ungrammatical, yet clear and explicit. In 1826 the commissioners appointed by the British government to treat with the plenipotentiary of the United States at London, on the claims of the two governments to territories in the northwest, insisted that Meares on this occasion discovered the Columbia River!

22. First Vessel Built on the Coast. Meares returned to Nootka and launched the small vessel, which some of his men had built during his absence, under the name of the Northwest America, the first vessel ever built on the North Pacific Coast. It is not known whether Meares placed her under British or Portuguese colors.

23. Voyages of the Columbia and Washington. When the United States had secured her independence, her citizens resumed the whale and seal fishery, which they had carried on before the revolution, and

also engaged in trade with India and China. In order to combine the fur trade of the North Pacific with the China trade a company of merchants at Boston, in the summer of 1787, fitted out two vessels, the ship *Columbia* and the sloop *Washington*. John Kendrick commanded the expedition and was master of the *Columbia*. Joseph Ingraham was mate of the *Columbia*. Captain Robert Gray was master of the *Washington*. The cargo of the vessels consisted of articles for trade with the Indians, blankets, knives, etc. They also carried with them a number of small copper coins, then recently issued by the state of Massachusetts. Alexander Mackenzie relates that in July, 1793, he found one of these coins bearing the inscription "half-penny of the state of Massachusetts Bay, coined in 1787," in possession of an Indian native of the country east of the Strait of Fuca. Copper medals were struck to commemorate the expedition. The following cut represents both sides of one of these medals.



The two vessels sailed from Boston on the 30th of September, 1787, and were separated in a storm near Cape Horn. The appointed place of rendezvous was Nootka Sound, where the Washington arrived on the 17th of September and the Columbia in October.

While passing northward along the coast Captain Gray observed an opening near latitude 46 degrees, which he attempted to enter in August, 1788, but did not succeed at that time. Before relating the important discoveries and explorations connected with this important expedition, the order of sequence requires us to give an account of the first occupation of the country.

24. **The Spanish Occupy Nootka.** On the 6th of May, 1789, Martinez arrived at Nootka Sound and took possession of the country in the name of the Spanish sovereign. He built a fort on a small island in the bay. During the year Martinez seized several vessels, among them the two under the command of Meares. Most of the vessels seized were British. The two American vessels he did not molest. This high-handed action of Martinez at Nootka led to a complicated controversy between Great Britain and Spain, the history of which belongs to another chapter.

25. **Gray's First Explorations.** In June, 1789, Gray in the Washington explored the whole *East* coast of Queen Charlotte's Island, which had never before been visited by civilized people. Gray named it Washington Island. On a subsequent voyage from Nootka Gray entered the Strait of Juan de Fuca,

through which he sailed, as he told Vancouver, in 1792, "fifty miles in an east-southeast direction, and found the passage five leagues wide." He then returned to the Pacific, where he met the Columbia on her way to China. The two captains exchanged vessels, Kendrick taking command of the Washington and remaining on the coast, while Gray took the Columbia to Canton, sold his furs and took a cargo of tea, with which he entered Boston harbor on the 10th of August, 1790, having carried the Stars and Stripes for the first time round the world.

26. Kendrick Sails Through the Strait of Fuca. When Kendrick took command of the sloop Washington he entered the Strait of Juan de Fuca, through which he sailed, passing to the east of the island now called Vancouver, and entered the Pacific again on the north, thus proving Nootka Sound to be on an island. This was done in the autumn of 1789. Kendrick was the first civilized man to pass entirely through the Strait of Fuca.

27. Spanish Explore the Strait of Fuca. In 1790 Francisco Elisa, the Spanish Commandant at Nootka, sent Lieutenant Quimper to explore the Strait of Juan de Fuca. Quimper examined both shores of the strait to the distance of about a hundred miles from its mouth, where he noted that the strait had numerous small channels opening into it from the south, east and north, with islands between. Quimper did not penetrate any of these channels, but simply marked their entrances and assigned to them Spanish

names, some of which still cling to them, but the names afterward given by Vancouver have superseded most of them. Among these may be mentioned Canal de Caamano, now called Admiralty Inlet; the Boca de Flon, now Deception Pass; the Canal de Guemes, and Canal de Haro.

28. *Ingraham's Voyage in the Hope.* The American Brig Hope was equipped at Boston for the North Pacific trade and placed under the command of Joseph Ingraham, the former mate of the Columbia. She sailed from Boston on the 16th of September, 1790, doubled Cape Horn, and April 19th, 1791, Ingraham discovered six islands previously unknown, situated in the middle of the Pacific Ocean, between the 8th and 10th parallels of latitude. Ingraham named these islands Washington, Adams, Franklin, Knox, Federal, and Lincoln, very appropriate names for islands first discovered by an American. These islands should belong to the state of Washington. Ingraham proceeded to Queen Charlotte's or Washington's Island, where he arrived on the 29th of June and anchored in a harbor on the southeast side, which he named Magee's Sound. He spent the summer on the coast of this island and the adjacent continent, collecting valuable information of the geography of the country.

29. *Second Voyage of the Columbia.* The Columbia left Boston on her second voyage September 28th, 1790, with Captain Gray in command, and arrived at Clioquot, near the entrance of the Strait of Fuca, on June 5th, 1791. Gray coasted along the shores of

Queen Charlotte's Island, trading and exploring until September. During this time he examined many inlets and passages between the 54th and 56th parallels. He penetrated one of these channels, afterwards named by Vancouver Portland Canal, in latitude 54 degrees 33 minutes, about one hundred miles. Gray was first to explore this part of the northwest coast, and gave the United States additional right to the celebrated line, "Fifty-four-Forty."

30. Second Vessel Built on the Coast. After these explorations Gray returned to Clyoquot, where during the winter he built a block-house on the shore, which he named Fort Defiance. He also constructed and launched the second vessel ever built on the North Pacific coast, which he named the Adventure.

31. Vancouver's Voyage to the North Pacific. The British government sent Captain George Vancouver to the northwest Pacific coast to treat with the Spanish at Nootka and to examine and survey the west coast of the American continent from the 35th to the 60th parallels of latitude.

Vancouver reached the American coast near Cape Mendocino in April, 1792, and sailed northward to the Strait of Fuca, examining the shore as he went.

He noticed that the water off the opening, named by Meares Deception Bay, had changed from its natural to river-colored water, but passed on without discovering the river, and when he reached the Strait of Fuca he made an entry in his journal, stating that

“the whole coast formed one compact and nearly straight barrier against the sea.”

32. Vancouver Meets Gray. On the 29th of April, 1792, Vancouver met Gray in the ship *Columbia* near the entrance to the Strait of Fuca, who informed him that he had just penetrated the strait to the distance of about fifty miles and returned to the ocean. Gray also informed Vancouver of his having been off the mouth of a river in latitude 46 degrees 10 minutes, where the outset was so strong as to prevent his entering it. The English captain gave little attention to Gray's account of the river. He was not willing to believe the Yankee captains more skillful in exploration than himself. The two captains parted company, Vancouver to do his important work of surveying Puget Sound, and Gray to complete his important discoveries, which gave the United States government the best right to the Valley of the Columbia.

33. Discovery of Gray's Harbor. After the interview with Vancouver Gray sailed southward along the coast of the continent, and on the 7th of May, 1792, he “saw an entrance which had a very good appearance of a harbor,” in latitude 46 degrees 58 minutes. Gray passed through this entrance and found himself in a bay “well sheltered from the sea by long sand-bars and spits,” where he remained at anchor three days. Gray named this bay Bulfinch's Harbor, in honor of one of the owners of his ship, and it is so called on the old maps, but is now called Gray's Harbor in honor of its discoverer.

34. **Discovery of the Columbia River.** After leaving Gray's Harbor, at daybreak on the 11th of May, 1792, Gray observed "the entrance of his desired port, bearing east-south-east, distant six leagues," and running into it, with all sails set, between breakers, he anchored at one o'clock "IN A LARGE RIVER OF FRESH WATER," ten miles above its mouth. Here he remained three days and then sailed up the river about fifteen miles along the northern shore, and again came to anchor. Here Gray remained about a week and then sailed out, and as he passed over the bar he named the river Columbia—after his ship—a name it is destined to always bear. The cape on the south side of the mouth of the Columbia he named Point Adams, and the one on the north side, Cape Hancock. Gray returned to Nootka and there informed Captain Ingraham and the Spanish commandant of the discovery of the harbor and the river, and gave them charts and descriptions of his discoveries.

35. **Observations on the Discovery of the Columbia.** The following observations on the discovery of the Columbia should be noted:

1. The opening through which the Columbia discharges its waters was first seen by the Spanish navigator, Heceta, in August, 1775.

2. Captain Meares examined this entrance in July, 1788, and departed convinced that no river existed there.

3. Vancouver asserted in 1792 that no opening, harbor, or place of refuge for vessels was to be found between Cape Mendocino and the Strait of Fuca.

4. The Columbia River was actually discovered and entered by Robert Gray on the 11th of May, 1792.

All the honor of the discovery of this, the greatest river on the Pacific coast, belongs to Gray, and the service which he rendered our country by his indomitable energy and courage cannot be overestimated.

36. **The Survey of Admiralty Inlet.** On the 1st of May, 1792, Vancouver entered the Strait of Juan de Fuca and sailed along the coast eastward about one hundred miles, where he entered a harbor which he named Port Discovery. A little to the east he found another opening to the south, which he named Admiralty Inlet. The Spanish had named it Canal de Caamano. Vancouver entered this inlet, which he penetrated southerly about a hundred miles. He found that it consisted of three principal arms or branches. He named the one on the west Hood's Canal, the one on the east Possession Sound, and the one on the south Puget Sound, a name now generally given to the entire inlet. Having completed the survey of these arms, Vancouver landed on Possession Sound, near where the city of Everett now stands, and celebrated the birthday of the British sovereign—the 4th of June—by taking possession in his name, and “with the usual formalities, of all that part of New Albion, from latitude 39 degrees 20 minutes south, and longitude 236 degrees 26 minutes east, to the entrance of the inlet of the sea and all the islands within the inlet and both its shores,” etc., and named the

country New Georgia. This bombastic ceremony was about as potent as the parade of a drum major who marches at the head of a band, but produces no music.

37. Geographical Names in Washington. Many of the geographical names in Washington were bestowed by the early settlers and chosen from the beautiful appellations used by the Indians, for their rivers, islands, bays, and mountains. The custom of retaining the musical native names is to be commended. But Vancouver was an enthusiastic geographical godfather, and delighted to name the territories, straits, bays, etc., in honor of the royal family, the ministry, the parliament, the army and the navy of Great Britain. Hence we find many geographical names bestowed by Vancouver still clinging to places in Washington, such as Admiralty Inlet, Puget Sound, Hood's Canal, Whidby Island, and Mount Ranier.

38. Expedition of Lewis and Clarke. In 1803 the United States government, by advice of President Jefferson, commissioned Captain Meriwether Lewis and Captain William Clarke to explore the new territory of Louisiana, which had been just purchased from Napoleon by President Jefferson. Captain Lewis was commander of the expedition. The exploring party, consisting of about thirty men, passed up the Missouri River in the spring of 1805, passed over the divide into the valley of the Columbia and down that river to its mouth, where they arrived on the 15th of November, 1805. This was the first overland journey

ever made by civilized men in this part of the continent. Lewis and Clarke remained near the mouth of the Columbia until the 23rd of March, 1806, when they began their return, arriving at St. Louis in safety on the 23rd of September, 1806, having traveled during the expedition more than nine thousand miles.

This expedition was of great value to the United States government, giving it right by discovery and exploration to all the country drained by the Missouri and the Columbia rivers and their tributaries.

SUGGESTIVE QUESTIONS.

[Care has been taken in preparing the questions at the end of each chapter of this book to make them suggestive, not questions answered in the text, but rather questions requiring original thought and additional research.]

1. Why were the nations of Europe so anxious to find a northwest passage from the Atlantic to the Pacific?

2. What voyages were made in the North Atlantic to find this passage? In the North Pacific?

3. What benefit to Great Britain has the Suez Canal been?

4. What nation should build and control the Nicaragua Canal? Why?

5. How did the Spaniards attain their supremacy on the Pacific? When and how did they lose it?

6. Can Drake's treatment of the Spanish be justified?

7. What discoveries on the Pacific gave Spain

rights? Russia? Great Britain? The United States?

8. Why were no voyages made to the North Pacific from 1608 to 1768?

9. What line should have been the northern boundary of the original Oregon territory? Upon whose discovery is this claim based?

10. Who first really re-discovered the Strait of Juan de Fuca?

11. Who first saw the current of the Columbia River?

12. What was the principal trade on the northwest Pacific coast? What nations engaged in it? Where did they generally take their cargoes? For what did they exchange?

13. Whose discoveries gave great impetus to this trade?

14. Why did not the French take as active a part in exploring the North Pacific as the other nations?

15. What was the Hudson's Bay Company?

16. Why was Nootka Sound the headquarters of the fur traders?

17. Had the state of Massachusetts the right to coin money in 1787? Why?

18. Were Meares' voyages of any benefit to the British government? Why?

19. What right does discovery give a nation?

20. Does a nation acquire the right to occupy and make settlements in a territory discovered by its people to the seclusion of the people of other nations? Does it attain sovereignty over the territory by the act of discovery?

21. What nation had the best right to the territory of original Oregon? Why?
22. Was Martinez justifiable in seizing the vessels of other nations at Nootka? Why?
23. To what nation should Queen Charlotte's Island belong? Vancouver's Island? Why?
24. Why did not Gray land and take formal possession of the territory he discovered, as Vancouver and other navigators did?
25. In what way did Gray show good taste in bestowing names?
26. When did Vancouver miss a great opportunity?
27. Why should the Indian names of places be retained?
28. Had Thomas Jefferson any authority to purchase Louisiana from Napoleon?
29. Was it a wise purchase?

CHAPTER II.

EARLY SETTLEMENTS.

39. Three Classes of Settlers. The territory of Washington was occupied by three classes of settlers:

1. The fur traders.
2. The missionaries.
3. Actual settlers.

The fur traders came first under the auspices of several companies, the principal of which was the Hudson's Bay Company, doing business under a charter granted by the British government. Their establishments were temporary, and in them the family did not exist. Hence the fur traders must be regarded not as actual settlers, but only as transient sojourners.

Then came the missionaries, who were sent by the church organizations to teach Christianity to the Indians. At first their establishments were not designed for colonization, but a few of them afterward formed the nuclei of permanent settlements.

The third class consisted of those sturdy yeomen, ever ready to leave their homes in the east and push out west on the wild frontier to build up new homes. The history of each class will be given in order.

40. Oregon and the Fur Companies. In relating the early history of the state of Washington we must necessarily include with it an account of the history

of Oregon, which formerly extended from the 42d degree of latitude along the Pacific to the parallel of 54 degrees 40 minutes, and eastward to the summit of the Rocky Mountains. Immediately after the return of Lewis and Clarke three great fur companies were striving for possession of this territory—the Northwest Fur Company, organized at Montreal; the Pacific Fur Company, organized at New York by John Jacob Astor, and the old Hudson's Bay Company.

41. **Establishment at Fraser's Lake.** In 1806 a party of the Northwest Company, under the command of Simon Fraser, crossed the Rocky Mountains near the passage of Peace River and formed a trading establishment on a small lake named Fraser's Lake, situated in latitude 54 degrees. This was the first settlement made by the Canadians west of the Rocky Mountains. It was merely a temporary trading post and not a permanent settlement. Other posts were established in the same country, to which the traders gave the name of New Caledonia, but it was a part of original Oregon.

42. **First Establishment on Snake River.** Mr. Henry, an agent of the Missouri Company, established a trading post on a branch of the Lewis or Snake River, which was the earliest settlement on any branch of the Columbia. The hostility of the Indians and the difficulty of obtaining provisions caused this post to be abandoned in 1810.

43. **Attempt to Form a Settlement at Oak Point.** In 1810 the commander of the ship Albatross of

Boston attempted to establish a post for trade with the Indians at a place called Oak Point, on the Columbia River. A house was built and a garden planted. The site was badly chosen, for a rise in the river washed away the garden and the scheme was abandoned.

44. **Founding of Astoria.** In 1810 the Pacific Fur Company was organized by Astor, who determined to form a settlement on the Pacific coast. He despatched a vessel named the *Tonquin*, commanded by Captain Thorne, to the mouth of the Columbia River, where they arrived on the 24th of March, 1811. They erected a fort and other houses, cleared a large piece of ground and planted a garden. They named the settlement Astoria in honor of John Jacob Astor, the founder of the company.

45. **First Settlement in Washington.** While the Astorians were engaged in erecting their buildings, they were visited by a party of the Northwest Company in charge of David Thompson, the surveyor of the company. Finding the Americans already in possession of the mouth of the Columbia, to which they had been despatched from Canada in order to forestall the Americans, they returned up the Columbia as far as the mouth of the Okanogan. Near the junction of this river with the Columbia, Thompson established a post. This was the first settlement in what is now the state of Washington. Thompson and his party remained here during the winter, but there is no record of its further occupation.

46. **Supremacy of the Hudson's Bay Company.** The war of 1812 caused the abandonment of Astor's enterprise, and the property at Astoria was sold to the Northwest Company in 1813. The name Astoria was changed to Fort George, and the Canadian company was the dominant power in Oregon until 1824, when the Hudson's Bay Company absorbed the Northwest Company, and this old British monopoly ruled the country, with its headquarters at Vancouver on the Columbia, until it was superseded by the provisional government of the American pioneers in 1843.

47. **Joint Occupancy of Oregon.** On October 18, 1818, the United States and the British governments, in a treaty held in London, agreed "that any country that may be claimed by either Great Britain or the United States on the northwest coast of America, westward of the Stony Mountains * * * should be free and open for the term of ten years to the vessels, citizens, and subjects of the two powers." This is known in history as the "Joint Occupation of Oregon."

48. **Society For the Settlement of Oregon.** In 1829 there was incorporated at Boston under the laws of Massachusetts a company organized by H. J. Kelly and known as "The American Society for the Settlement of Oregon Territory." Mr. Kelly sent agents throughout the eastern states to enlist emigrants for Oregon. This enterprise was not very successful. Mr. Kelly himself visited the scene of his proposed colony, and one of his agents, Nathaniel Wyeth, of

Cambridge, Massachusetts, led an expedition to the Columbia.

49. Wyeth's Expedition. Wyeth crossed the plains to Oregon in 1832 and returned in 1833. Again in 1834 he arrived on the Columbia and established himself as a trader on Wappatoo Island, near the mouth of the Willamette, having sent his goods around Cape Horn in a vessel. He remained on this island about three years, and then sold his property to the Hudson's Bay Company. Nuttall, a naturalist, and Townsend, an ornithologist, accompanied Wyeth, and the accounts of their explorations and observations did much to attract the attention of people to this country. The Methodist missionaries, Lee, Shepard, and Edwards, also came with Wyeth in 1834 and established missions on the Willamette River. They were the first missionaries in the country.

50. Bonneville's Expedition. Captain Bonneville of the United States army obtained a furlough for two years to explore the west. On the 1st of May, 1832, with a force of 110 men Bonneville started from Fort Osage in Missouri and began his march westward. They reached the Umatilla River about the middle of September and proceeded down that river to the Columbia and endeavored to open trade with the Indians. But the Indians were under the control of the Hudson's Bay Company, who had forbidden their trading with the Americans. Bonneville reluctantly abandoned the expedition and returned to the east.

51. First Missionaries in Washington. In 1836 the American Board of Missions sent Whitman and Spaulding to establish missions among the Nez Perce and other Indians. Mrs. Whitman and Mrs. Spaulding accompanied their husbands, and were the first white women to cross the plains to Oregon. Whitman established a mission among the Cayuse Indians at Waiilatpu on the Walla Walla River, about five miles southwest of the present city of Walla Walla. Spaulding went to Lapwai on the Clearwater and established a mission among the Nez Perces.

52. Puget Sound Agricultural Company. In 1837 the Hudson's Bay Company organized a company called the "Puget Sound Agricultural Company," for the purpose of bringing into the country a British agricultural population to counteract the American tide of immigration and to aid by their presence and numbers in the approaching strife for the occupation of the country. In 1841 a party of settlers, under the management of this company, came from Canada and formed two settlements, one on the Cowlitz River and one at Nisqually, near Puget Sound. In 1843 William F. Tolmie was placed in charge at Nisqually, the principal place of business of the company.

53. Roman Catholic Missions. In 1838 the Bishop of Quebec sent two Roman Catholic clergymen, F. N. Blanchett and Modeste Demers, from Canada across the continent to Vancouver as missionaries to the French Canadians, who, after leaving the service of the Hudson's Bay Company, had settled in the

Willamette Valley and on the Cowlitz River. Demers was located at Cowlitz.

54. Emigrants Crossing the Plains in Wagons. In 1838 the first emigrants to cross the continent in wagons arrived in Oregon. Others followed, and in 1842 a tide of emigrants with their ox-teams, herds, household goods and farming implements began to pour over the Rocky Mountains and down the valley of the Columbia into Oregon. From the Missouri to the Columbia the plains were dotted with the "white schooners of the prairie" during this and subsequent years. The British began to realize that "Joint Occupancy" was not what they wanted after all. Yankee enterprise was too much for them.

55. Formation of Provisional Government. Early in 1843 the "citizens of the colony," as they styled themselves, began to hold meetings to devise ways and means to protect their stock from the wolves and other wild animals. These meetings led to the formation of the Provisional Government. This was consummated by electing a Supreme Judge and other officers, and a committee to prepare a code of laws to be adopted by a vote of the people. The report of this committee was adopted by the people, and thus began a government for Oregon "for the people and by the people." This form of government was purely American and was completed at Champoege on July 5th, 1843, and the dominant power of the British fur company ceased in Oregon.



TUMWATER.
First permanent settlement in Washington.

56. **The Immigration of 1843-44-45.** The immigration to Oregon in 1843 was about nine hundred, who came in wagons to Walla Walla and the Dalles, passing down the Columbia in boats. The immigration of 1844 was about eight hundred. The immigration of 1845 was much larger, containing about three thousand five hundred people. These settlers were a hardy race of honest, intelligent and energetic people, and thoroughly loyal to the government of the United States.

57. **Settlers in Washington in 1844.** In 1844 the only settler between the mouth of the Willamette and Cowlitz rivers was a man named White, who occupied a claim on the south side of the Columbia, near the site of the present town of St. Helens. James Birnie, an employé of the Hudson's Bay Company, lived at Cathlamet, the present county seat of Wahkiakum County. Captain Scarborough lived near the mouth of the Cowlitz River, on the Washington side of the Columbia.

Anton Gobain, a herder of the Hudson's Bay Company, occupied a small prairie on the east side of the Cowlitz, near the site of the present town of Monticello. These, with Fort Nisqually and the Cowlitz farm and mission and Fort Vancouver, were all the white settlements in western Washington at that date.

58. **The First Settlement on Puget Sound.** The first settlement on Puget Sound, and the first permanent settlement in Washington, was made at the falls of the Des Chutes River, now called Tumwater. The

leader in this settlement was Michael T. Simmons, a Kentuckian, who came to Oregon in 1844, remaining at Washougal on the Columbia during the winter of 1844-45. Five families and two unmarried men, with Simmons as leader and Peter Bercier as guide, started from the Cowlitz landing on the Columbia to form a settlement on Puget Sound. Many days they labored cutting a road from the Columbia to the falls of the Des Chutes, a distance of fifty-eight miles, where they arrived late in October. Simmons took the claim at Tumwater, calling it New Market. The other members of the party settled in the vicinity, most of them on Bush Prairie. In a few years it became a flourishing little colony.

59. Other Settlements on the Sound. Tumwater remained the only settlement on the sound of any importance until the year 1851. In the mean time gold had been discovered in California and the news reached Puget Sound. The result was that many settlers abandoned their claims to seek fortunes in the south. During this period but few attempts were made to establish settlements north of the Columbia.

In 1848 several immigrants came to the Cowlitz, settling along the river and on the prairie.

Thomas W. Glasgow took a claim on Whidby's Island in 1848, and was joined during the summer by other settlers. Patkanim, chief of the Snoqualmies, was hostile to American settlers on the sound and compelled Glasgow and his companions to quit the island. Steilacoom was settled in 1851 by Captain

Lafayette Balch. Late in the autumn of 1850 I. N. Ebey re-occupied the claim on Whidby's Island, from which Patkanim had driven Glasgow. Port Townsend was settled by Alfred A. Plummer and Charles Bachelor in April, 1851. F. W. Pettygrove and L. B. Hastings came to Port Townsend in February, 1852, and a town was laid out. H. C. Wilson had settled here a short time before.

Such was the condition of the settlements on Puget Sound at the close of 1851.

60. Olympia Founded. In October, 1846, Levi L. Smith and Edmund Sylvester arrived at the Tumwater settlement. Smith and Sylvester were partners in holding land claims. Smith located a half section at the head of Budd's Inlet, and Sylvester took a claim on the border of Chamber's Prairie. After the death of Smith, which occurred in August, 1848, by drowning, Sylvester abandoned the prairie claim and occupied the sound claim, which had been called Smithfield. In 1850 Sylvester laid off Smithfield claim as a town and named it Olympia, suggested by the beautiful snow-capped mountains in full view to the northward.

"Afar their crystal summits rise
Like gems against the sunset skies,
While far below the shadowy mist,
In waves of pearl and amethyst,
'Round stately fir and sombre pine,
Its dewy-jeweled fingers twine;
Olympia's gods might view with grace
Nor scorn so fair a dwelling place."

61. Seattle Settled. In the autumn of 1851 C. C. Terry, Lee Terry, John N. Low, A. A. Denny,

D. T. Denny, W. N. Bell and C. D. Boren came from Portland, Oregon, by water in a schooner and landed at Alki Point on the 13th of November. Here they began to lay out a town, but further examination of the country and information obtained from the Indians concerning a pass through the Cascade Mountains to the Yakima Valley and the Great Plains of the Columbia caused the settlers to abandon Alki Point. They crossed over to the east side of Duwamish Bay, now called Elliott Bay, and established a town which they named Seattle, in honor of the most dignified and honorable Indian chief that ever lived on the Pacific coast.

Later Henry L. Yesler built a saw-mill* on the water front. The location was well chosen, and in four years the little hamlet had a population of 300. Seattle has grown to be the metropolis of Washington, containing at the present time more than 60,000 inhabitants.

62. Other Settlements in Washington. Contemporary with the founding of Seattle settlements were made at Dungeness. Whidby's Island soon after became the home of many energetic Americans. In 1852 a settlement was made at Bellingham Bay. Large saw mills were soon erected at Ports Ludlow, Gamble, Madison, and Blakely, which added much in a commercial way to the prosperity of the country. Other parts of Washington were gradually receiving American settlers. Columbia Lancaster, Chief Justice of Oregon under the provisional government, had

*Yesler's was the first steam saw-mill on Puget Sound.

settled in Lewis County, now Clark County, as early as September, 1849. Towns were projected at several seemingly favorable points. Among these were Pacific City on Baker's Bay, and Chehalis City, near Gray's Harbor. A few settlers were locating on Shoalwater Bay, now called Willapa Bay, and at other points on the coast. On the north side of the Columbia, at the Cascades, several settlers were living as early as 1850. The river valleys tributary to the sound were also receiving settlers on their fertile lands. Among these were the White River and Payallup River settlements. The entire population of the region north of the Columbia at the close of 1852 was about 3,000, but they were ready to assume the responsibilities of government and were praying Congress to establish the

"TERRITORY OF COLUMBIA."

SUGGESTIVE QUESTIONS.

1. What were the several objects of the three classes of settlers who first occupied Washington?
2. What were the causes of the failure of Astor's enterprise at the mouth of the Columbia?
3. Did Great Britain attain any right to territory by the settlement made by Thompson at the mouth of the Okanogan?
4. What gave the Hudson's Bay Company its great power in the northwest?
5. Was "Joint Occupancy" a wise measure for either Great Britain or the United States? Why?

6. What were the principal causes of the failure of Wyeth's expedition? Of Bonneville's? Did the United States gain anything by these expeditions?

7. Were the missions established in Washington of any value to the United States? How?

8. Why did the Hudson's Bay Company establish the Puget Sound Agricultural Company in 1837?

9. Had that company been in the habit of fostering agricultural pursuits in the northwest before that time?

10. What caused the formation of the Provisional Government for Oregon? Did the Hudson's Bay Company approve of it? Why?

11. What was the cause of the great overland immigration to Oregon in 1843-4-5?

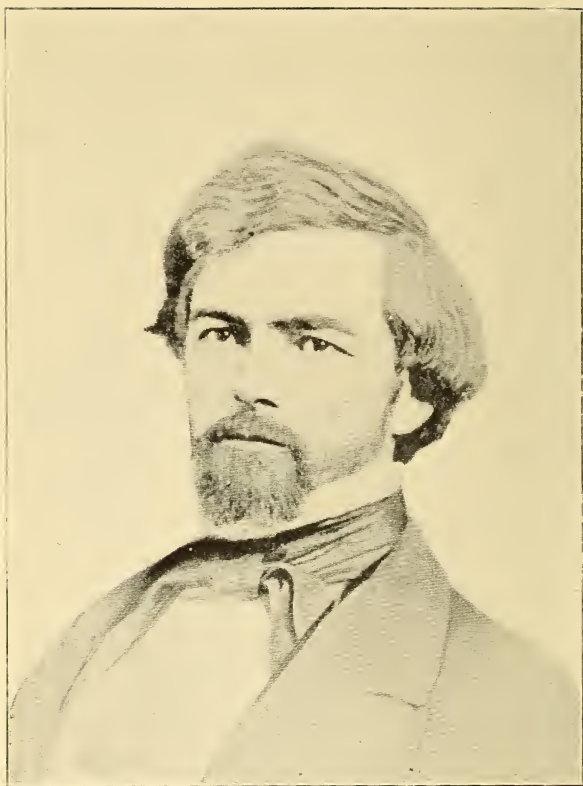
12. Why did Simmons choose the falls of the Des Chutes for his settlement?

13. What reasons can be advanced for locating Seattle where it is?

14. Why was Port Townsend early selected as a place of settlement?

15. Why was a settlement made at Bellingham Bay? At the Cascades? On Baker's Bay? Did the last prove a wise selection? Why?

16. Were not favorable sites for establishing towns overlooked by the early settlers? If so, where?



ISAAC I. STEVENS,

FIRST GOVERNOR OF WASHINGTON TERRITORY.

CHAPTER III.

TERRITORIAL PERIOD.

63. Washington Territory Created. On November 25th, 1852, a convention of delegates from the counties of Oregon north of the Columbia met at Monticello on the Cowlitz River. A memorial to Congress was prepared, stating the condition of the country and praying that body to create the Territory of Columbia out of that portion of Oregon lying north and west of the Columbia River. Joseph Lane, delegate to Congress from Oregon, introduced the subject December 6, 1852, by procuring the passage of a resolution instructing the Committee on Territories to consider the question and report a bill. The Committee reported House Bill No. 8 to organize the Territory of Columbia, which came up for passage February 8th, 1853. Richard H. Stanton, of Kentucky, moved to substitute the name of Washington for Columbia, which amendment prevailed, and the bill passed the House February 10th, and was adopted by the Senate March 2d, 1853. President Fillmore signed the bill the same day, and the Territory of Washington was created.

64. Size of the Territory When Formed. The territory as created embraced more than twice the area petitioned for in the memorial. It reads as follows: "All that portion of Oregon Territory lying and being south of the forty-ninth degree of north latitude, and

north of the middle of the main channel of the Columbia River, from its mouth to where the forty-sixth degree of north latitude crosses said river near Fort Walla Walla; thence with said forty-sixth degree of latitude to the summit of the Rocky Mountains." This included all the territory of the present state, the north part of Idaho, and the western part of Montana.

65. Provisions of the Act. The act creating the territory provided for a governor, to be *ex-officio* commander-in-chief of militia and superintendent of Indian affairs; a secretary, a supreme court of three judges, an attorney, and a marshal, all to be appointed by the president for a term of four years. It also provided for a delegate to Congress, whose first term was to last only during the Congress to which he was elected. A territorial legislature was created with two branches—a council of nine members elected for three years—the first members to serve one, two, and three years, decided by lot among them; and a house of eighteen members, elected for a term of one year. Twenty thousand dollars were appropriated to defray the expenses of a census, after the taking of which the governor was to apportion the members of the legislature and call an election to choose them and the delegate to Congress. The first legislature was to meet at any place the governor might select, and was then to fix the seat of government. Five thousand dollars were appropriated for public buildings, and the same amount for a library. County and local officers then serving were to hold their positions

until their successors were chosen under acts to be passed by the legislature of the new territory. Causes were to be transferred from the Oregon courts, and the territory was to be divided into three districts, in each of which one of the supreme judges was to hold a district court. Sections 16 and 36 of the public lands, or their equivalent, were given to the territory for the benefit of the public schools.

66. First Territorial Officers. President Pierce soon after his inauguration appointed the following named officers for Washington Territory: Governor, Major Isaac I. Stevens, of the U. S. Engineers; Secretary, Charles H. Mason, of Rhode Island; Attorney, J. S. Clendennin, of Mississippi; Marshal, J. Patton Anderson, of Tennessee; Chief Justice, Edward Lander, of Indiana; Associate Justices, Victor Monroe, of Kentucky, and O. B. McFadden, of Pennsylvania.

GOVERNOR STEVENS' ADMINISTRATION.

1853 TO 1857.

67. Stevens' Proclamations. The war department had placed Major Stevens in charge of an expedition to survey a northern route for a transcontinental railway, and he was occupied with that work during the summer and autumn of 1853. On September 29th, 1853, Stevens crossed the boundary line of the new territory at the summit of the Rocky Mountains, where he issued a proclamation declaring the act of Congress and assumed his duties as governor. He

arrived in Olympia in November, and on the 28th issued a second proclamation dividing the territory into judicial and legislative districts, and calling an election to be held on the 30th day of January, 1854, for the election of a delegate to Congress and members of the territorial legislature. He appointed the 27th of February, 1854, for the convening of the legislature at Olympia.

68. First Election in the Territory. Marshal Anderson arrived in the Territory in 1853, and during the summer of that year had taken a census, as provided by act of Congress creating the territory. His returns showed a total population of 3965, of whom 1682 were voters. For the election to be held in January, 1854, the Democratic party nominated Columbia Lancaster, of Clarke County, for delegate to Congress. The Whig party nominated W. H. Wallace, of Pierce County. M. T. Simmons, of Thurston County, was an independent candidate for this office. Lancaster was elected, receiving 690 votes. Wallace received 500, and Simmons 18—a total vote of 1208.

69. Meeting of the First Legislature. The first legislature of Washington Territory convened at Olympia on the 27th of February, 1854. The Democratic party had a majority of one in the council and of six in the house. G. N. McConnaha was chosen president of the council, and F. A. Chenoweth speaker of the house. Olympia was chosen as the capital of the territory. This legislature also created several new counties, retaining the names and boun-

daries of those already formed by the Oregon legislature. A commission was appointed by the legislature to codify the laws of the territory.

70. Wagon Road Over the Cascades. The early settlers came to Washington either by the way of the Columbia River and up the Cowlitz in canoes, or by vessel through the Strait of Fuca. To develop the country a wagon road over the Cascade Mountains from eastern Washington to Puget Sound was much needed. As early as 1850 measures were taken to establish such a road from Nisqually to the source of the Yakima River, and thence down that stream to Fort Walla Walla, and thence to intersect the old emigrant road to Oregon, near the foot of the Blue Mountains. In the mean time some work had been done on this road, but it was not until the summer of 1853 that the way was opened for the passage of wagons. In the autumn of that year thirty-five wagons passed over this road to Puget Sound. This was the first thoroughfare over the Cascades and soon led to the settlement of the rich valleys of the White and Puyallup rivers. It was only a matter of time when the "Iron Horse" was to take the place of the ox team along this route.

71. Governor Stevens Visits the National Capital. Soon after the adjournment of the legislature Governor Stevens went to Washington City in the interests of the territory and to report the results of his railway survey. In conjunction with delegates Lane of Oregon and Lancaster of Washington, Stevens presented the

needs of the new territory to Congress. The result of their efforts was the appropriation of \$30,000 for the construction of the Mullen road from the Great Falls of the Missouri via Cœur de Alene Lake to Walla Walla; \$25,000 for the construction of a military road from the Dalles down the Columbia to Fort Vancouver; \$30,000 for a road from Fort Vancouver to Fort Steilacoom; \$89,000 for light houses at various points on the coast, and \$100,000 to enable Governor Stevens to treat with the Indians in the territory.

72. Governor Stevens Elected Delegate to Congress. At the election held in 1855 J. Patton Anderson was elected by the Democrats delegate to Congress over the Whig nominee, Judge William Strong. During Anderson's term of office nothing of importance had been done of interest to the territory. In 1857 the Republican party, the successor of the Whig party, nominated Alexander Abernethy for delegate to Congress. The Democrats placed in nomination Governor Stevens, who was elected by a large majority. On the 11th of August, 1857, Stevens resigned the office of governor to take his seat in Congress, and his place was taken by Secretary Mason, acting governor until the appointment of Stevens' successor.

GOVERNOR McMULLEN'S ADMINISTRATION.

1857 TO 1859.

73. Fayette McMullen Appointed Governor. Upon the resignation of Governor Stevens, Fayette McMullen, of Virginia, was appointed Governor of Wash-

ington Territory; but in July, 1858, he was removed for incompetency, and during the remainder of his administration Charles H. Mason, secretary of the territory, acted as governor. Mason was a man who had the confidence of the people of the territory, and his administration was entirely satisfactory. Mason died just before the close of his term of office, universally honored and regretted by the people, whose governor he had been during two brief periods.

74. Gold Discovered on Fraser's River. The chief event which occurred in McMullen's administration was the discovery of gold on Fraser River in British Columbia. The gold excitement was intense all over the Pacific coast. The result was that it materially affected the prosperity of Washington, as did the discovery of gold in California previously, by causing the people of the territory in large numbers to forsake the resources of their own commonwealth and rush to the mines. The frequent gold excitements in early days tended to retard the growth of the territory by diverting the attention of the people from the pursuits of those occupations necessary for the development of a new country.

75. Founding of Walla Walla. All the territory east of the Cascade Mountains was in the exclusive possession of the several Indian tribes occupying that part of the country until the autumn of 1858, when the Walla Walla country was thrown open to settlement. Prior to this time our narrative is concerned only with an account of the missions, fur company

establishments and Indian wars, given elsewhere in this history. Within a year after the country was opened to settlement so many people had taken land claims in the beautiful and fertile Walla Walla valley that the legislature at the session of 1859 passed an act organizing the county of Walla Walla. At this time there was a small hamlet on Mill Creek, near the old Whitman mission, called "Steptoeville," which had been selected as the county seat. The county commissioners changed the name to Walla Walla, now the principal city in southeastern Washington.

76. Stevens Re-elected to Congress. In 1859 Governor Stevens was re-elected delegate to Congress over W. H. Wallace, the Republican candidate. During his second term he was successful in obtaining several appropriations of great value to the territory. He also obtained provision for the payment of the Indian war debt.

GOVERNOR GHOLSON'S ADMINISTRATION.

1859 TO 1861.

77. Richard D. Gholson Appointed Governor. In 1859 Richard D. Gholson, of Kentucky, was appointed governor of Washington Territory. He assumed the duties of the office, but in less than a year left the territory and returned to Kentucky. He seemed to have but little executive ability, and no sympathy for the people over whom he was appointed to preside. His abandonment of the office was a relief to the people of the territory. Upon the departure of Ghol-

son, H. M. McGill, the secretary of the territory, became acting governor, who completed the administration with credit to himself and benefit to the territory.

78. Salmon River Gold Excitement. In 1860 the discovery of gold in the Salmon River Mountains, about 200 miles northeast of Walla Walla, caused general excitement throughout the Pacific coast. These mines were within the limits of the territory, and, unlike the other gold excitements, were rather beneficial than detrimental to the growth of Washington Territory, for, the gold seekers in going to "Oro Fino," as the mines were called, must pass through the fertile valley of Walla Walla, and the consequence was that after the mines were exhausted many of the miners settled in this valley, attracted by the luxuriant bunch grass and fertile soil, and became agriculturists and stock raisers.

GOVERNOR WALLACE'S ADMINISTRATION.

1861 TO 1862.

79. W. H. Wallace Appointed Governor. In 1861 President Lincoln appointed W. H. Wallace, who had been a resident of the territory several years, governor. A short time afterward he was elected by the Republicans as delegate to Congress, and L. J. S. Turney, secretary of the territory, became the acting governor. No important historical event occurred during this brief administration.

GOVERNOR PICKERING'S ADMINISTRATION.
1862 TO 1866.

80. **William Pickering Appointed Governor.** When Governor Wallace resigned to take his seat in Congress, President Lincoln appointed William Pickering, of Illinois, governor of the territory. He arrived at Olympia in June, 1862, and assumed his duties.

81. **Elwood Evans Appointed Secretary.** In December, 1862, Mr. Turney was removed from the office, and Elwood Evans was appointed secretary of the territory. Mr. Evans first came to the territory with Governor Stevens as journalist of the expedition. During 1865 Mr. Evans acted as governor. He still resides in the state of Washington, and is one of Tacoma's honored citizens.

82. **Idaho Territory Constituted.** March 3d, 1863, Congress organized the territory of Idaho out of all that part of Washington lying east of Oregon and east of the 117th meridian of west longitude. This act reduced the territory of Washington to its present limits.

83. **George E. Cole Elected to Congress.** In 1863 the Democratic party placed George E. Cole in nomination for delegate to Congress. The Republicans nominated J. O. Rayner. Mr. Cole was elected by a small majority. During Cole's term of office there was very little legislation secured for the territory of Washington. The civil war was going on east, and the general government had no time to look after the welfare of the territories, but let them take care of themselves.

84. **A. A. Denny Elected to Congress.** In 1865 the Republicans nominated Arthur A. Denny, of Seattle, for delegate to Congress. The Democrats nominated James Tilton. Mr. Denny was elected by a majority of 1138. The total vote of that year was 3564. Mr. Denny was an "Old Pioneer" of the territory and very popular. Beyond the usual appropriations for the government of the territory, Congress did nothing for Washington during Mr. Denny's term of office. This was the period of reconstruction following the civil war, and the differences between President Johnson and Congress affected legislation

GOVERNOR COLE'S ADMINISTRATION.

1866 TO 1867.

85. **George E. Cole Appointed Governor.** In 1866 President Johnson removed Governor Pickering from office and appointed in his stead George E. Cole, the Democratic ex-delegate to Congress. Mr. Cole assumed the duties of the office, but owing to the differences between the President and Congress, the Senate refused to confirm the nomination of Mr. Cole. Mr. Cole acted as governor only two months.

86. **E. L. Smith Appointed Secretary.** E. L. Smith, of California, had been appointed secretary of the territory, and had arrived at Olympia in June, 1866. He assumed the duties of acting governor until President Johnson could make an appointment which the Senate would confirm, which he succeeded in doing after several attempts.

GOVERNOR MOORE'S ADMINISTRATION.

1867 TO 1869.

87. **Marshall F. Moore Appointed Governor.** Finally President Johnson nominated Marshall F. Moore governor of Washington Territory, and his nomination was confirmed by the Senate. Moore was a native of New York, and had served as a gallant soldier during the civil war, bearing the rank of brevet major-general at its close. His administration of the affairs of the territory was most satisfactory.

88. **Alvan Flanders Elected to Congress.** At the election in 1867 the Democrats presented the name of Frank Clark, of Steilacoom, and the Republicans, Alvan Flanders, of Wallula. Mr. Flanders was elected by a majority of less than 100 votes.

89. **Organization of Transportation Companies.** During this period of our history several railway and navigation companies were organized to open up channels for commerce in the territory. Among these may be mentioned the Puget Sound and Columbia River Railroad Company. The Northern Pacific Company obtained the right of way for its division between the Columbia River and Puget Sound, and also an additional land grant. These enterprises attracted the attention of eastern people to the territory, and were very beneficial to its growth in population and wealth.

GOVERNOR FLANDERS' ADMINISTRATION.

1869 TO 1870.

90. **Alvan Flanders Appointed Governor.** Alvan Flanders, late delegate to Congress, was appointed governor in 1869. His administration was a brief one of less than a year. No important historical event occurred during this period affecting the interests of the territory.

91. **Salucius Garfielde Elected to Congress.** In 1869 the Democrats nominated for delegate to Congress, ex-Governor Moore, and the Republicans, Salucius Garfielde, a cousin of the lamented President Garfield. Mr. Garfielde was elected by a majority of 147. The time for holding elections in the territory for delegate to Congress was changed, so that in 1870 it became necessary to elect another delegate. The Republicans again nominated Mr. Garfielde for this office, and the Democrats nominated J. D. Mix, of Walla Walla. Garfielde was elected by 700 majority.

GOVERNOR SALOMON'S ADMINISTRATION.

1870 TO 1872.

92. **Edward S. Salomon Appointed Governor.** In 1870 Edward S. Salomon, of Illinois, was appointed governor of Washington Territory. He had rendered good service to the country in the civil war. Salomon's administration was a successful one.

93. **O. B. McFadden Elected to Congress.** At the election in 1872 the Democrats placed Judge O. B.

McFadden in nomination for delegate to Congress. The Republicans again nominated Salucius Garfielde, who was defeated, McFadden's majority being over 700.

GOVERNOR FERRY'S ADMINISTRATION.

1872 TO 1880.

94. Elisha P. Ferry Appointed Governor. In 1872 President Grant appointed Elisha P. Ferry governor of Washington Territory. He came to Washington in 1869 as surveyor-general of the territory. Governor Ferry was one of the ablest of Washington's territorial governors, and held the office eight years—the longest term in the history of the territory. So well did he manage the affairs of the territory that the people of the new state elected him their first governor.

95. San Juan Controversy Settled. The most important event during Governor Ferry's administration was the settlement of the dispute between the United States and Great Britain in regard to the ownership of the islands of the Haro Archipelago, of which San Juan Island is the principal one. In 1872 Emperor William of Germany, to whom the northwest boundary line controversy had been referred for arbitration, decided in favor of the United States.

96. Columbia Division of the N. P. R. R. Built. During Governor Ferry's administration the Columbia division of the Northern Pacific Railway, from Kalama to Tacoma, was built, and also a narrow-gauge line

from Olympia to Tenino, on the Northern Pacific line, was completed. These roads were of great benefit in developing the resources of the territory by rendering rapid travel and traffic between the Columbia River and Puget Sound.

97. Orange Jacobs Elected to Congress. In 1874 the Republicans nominated for delegate to Congress Judge Orange Jacobs, of Seattle, then chief justice of the territory. The Democrats nominated B. L. Sharpstein, of Walla Walla. Judge Jacobs was elected, and again re-elected to the same office in 1876. Mr. Jacobs was succeeded in Congress by Thomas H. Brents, of Walla Walla, who was elected in 1878 by the Republicans. Mr. Brents was re-elected in 1880.

GOVERNOR NEWELL'S ADMINISTRATION.

1880 TO 1884.

98. William A. Newell Appointed Governor. William A. Newell, of New Jersey, was appointed governor in 1880. His administration of territorial affairs for a period of four years was very creditable to him and profitable to the territory. This was a period of activity in the development of the resources of the territory. Says Hines: "It was a time of auspicious promise."

99. Brents Re-elected to Congress. In 1882 Thomas H. Brents was elected delegate to Congress the third time, but was defeated in 1884 by Charles S. Voorhees, a Democrat.

GOVERNOR SQUIRE'S ADMINISTRATION.

1884 TO 1887.

100. **Watson C. Squire Appointed Governor.** In 1884 President Arthur appointed Watson C. Squire governor. Mr. Squire had been a resident of the territory several years, and his appointment gave general satisfaction to the people. He was a native of New York, and had served with distinction during the civil war.

101. **The Chinese Riots.** The principal event in the territory during this administration was the "Chinese Riots," which occurred at Tacoma, Seattle, and other places on the Sound. On November 3d, 1885, the Chinese residents of Tacoma were removed from that city by an organized body of men. This was followed by the burning of the houses which had been occupied by the Chinese on the water front. The excitement of the people was intense. On the 7th of February, 1886, a similar attempt was made to force the Chinese to leave Seattle. This was unsuccessful, owing to the firm stand made by John H. McGraw, sheriff of King County, aided by the citizens of Seattle. This action in favor of law and order was followed by serious riots in the streets of Seattle by an angry mob. Governor Squire then proclaimed martial law within the city of Seattle. This was supplemented by a proclamation of President Cleveland, commanding all insurgents and all persons assembled at any point within the territory of Washington for unlawful purposes to desist from their intentions and to dis-

perse peaceably to their abodes. President Cleveland also ordered the troops under General Gibbon, stationed at Vancouver, to go to Seattle to maintain law and order. These prompt actions on the part of the government had a wholesome effect.

102. **Voorhees Re-elected to Congress.** In 1886 Charles S. Voorhees was re-elected delegate to Congress by the Democratic party.

GOVERNOR SEMPLE'S ADMINISTRATION.

1887 TO 1889.

103. **Eugene Semple Appointed Governor.** In 1887 President Cleveland appointed Eugene Semple, of Oregon, governor of Washington Territory. His administration embraced a period of prosperity, during which the territory grew rapidly in population and wealth.

104. **John B. Allen Elected to Congress.** In 1888 the Republicans nominated for delegate to Congress, John B. Allen, of Walla Walla, and the Democrats nominated Charles S. Voorhees for a third term. Allen was elected by 7000 majority. He did not take his seat in Congress, for, before the first session of the Congress to which he had been elected, Washington Territory had become a state of the union.

GOVERNOR MOORE'S ADMINISTRATION.

1889 TO STATEHOOD.

105. **Miles C. Moore Appointed Governor.** In 1888 Miles C. Moore, of Walla Walla, was appointed gov-

error. His administration was a brief one of seven months. Another star had been added to the flag, and Washington was to take her place among the states of the union.

SUGGESTIVE QUESTIONS.

1. Would a line north and south along the summit of the Cascades have been a better division of Washington Territory from Oregon than the Columbia River and the 46th parallel? Why?

2. Was the amendment to the act creating the territory made by substituting the name "Washington" for Columbia a wise measure? Why?

3. Why did Congress give the territory a larger area than asked for in the memorial?

4. What privileges had a territorial delegate in Congress?

5. Were the territories fairly represented in Congress?

6. Was it wise to appoint to territorial offices citizens of other states and territories?

7. Why were Pierce and King counties so named?

8. Why was not eastern Washington settled as early as western Washington?

9. Did the presidents always make good selections in appointing governors of the territory?

10. What governors of the territory were good executive officers?

11. Would it have been better when the territory of Idaho was cut off from Washington to have left the northern counties a part of Washington?

12. How did the "Reconstruction" controversy affect the interests of Washington Territory?

13. What caused the many changes in politics in the territory, as shown by the elections of delegates to Congress?

14. Is arbitration of differences between nations always better than war?

15. Was the decision of Emperor William a just one? Why?

16. Did Governor Squire do right in placing the city of Seattle under martial law?

17. Did the government do right in protecting the Chinese?



CHAPTER IV.

THE NORTHWEST BOUNDARY QUESTION.

106. **The Extent of Original Oregon.** To give the student a clear idea of the subject of this chapter, it is necessary to give the boundary of the country, the sovereignty of which was in dispute. Original Oregon was bounded on the north by the line $54^{\circ} 40'$ north latitude; on the east by a line along the summit of the Rocky Mountains; on the south by the 42d parallel of north latitude, and on the west by the Pacific Ocean. The state of Washington now occupies the middle portion of this territory. Four nations contended for the sovereignty over Oregon. Let us examine each of their claims.

107. **Spain's Right to Oregon.** We have seen in a preceding chapter that the navigators of Spain were the first to visit the northwest Pacific coast. If the discovery of a new country carries with it the right of sovereignty, then Spain certainly had the best right to portions of the original territory of Oregon. If military occupancy, in addition to discovery, strengthens the right of sovereignty, then Spain's claim to the island of Quadra and Vancouver was a good one. The spanish commandant, Martinez, occupied this island as early as the 6th of May, 1789. The Span-

ish were undoubtedly the first discoverers of the west coasts of America as far north as the 56th parallel of north latitude.

108. Great Britain's Claims. Great Britain laid claim to Oregon by right of the discoveries of several of her navigators. The principal claims made by the commissioners of Great Britain in their negotiations with those of the United States are:

1. Discoveries made by Drake in 1579.
2. Discoveries made by Cook in 1778.
3. Explorations made by Meares in 1788.
4. Surveys and explorations made by Vancouver in 1792.
5. Settlement made by Thompson on the upper Columbia in 1811.

109. Examination of the Claims of Great Britain. Let us examine these claims of Great Britain in the light of historical facts:

1. There is no record that Drake ever touched or saw land as far north as the limits of original Oregon.
2. It is a matter of record that Cook made no discoveries within the limits of original Oregon which had not been made by the Spaniards and Russians prior to Cook's voyage to the northwest coast of the Pacific.
3. Meares at the time he was on the coast was in the employ of a Portuguese merchant and sailing under the Portuguese flag.
4. Captain Vancouver's "taking possession" of all the territory contiguous to Admiralty Inlet without bounds was most extravagant. How far from the

point of taking possession did the confines of his New Georgia extend?

5. The claim on account of Thompson's Okanogan settlement made in 1811 was utterly valueless. The Americans were already established on the Columbia at the time of Thompson's coming.

110. **The Claims of Russia.** In 1809 Count Romanzoff, in reply to a question of John Quincy Adams, said: "The Russian American Company claimed the whole coast of America on the Pacific and the adjacent islands, from Bering's Strait, southward to and beyond the mouth of the Columbia River."

September 14th, 1821, a *ukase* was issued at St. Petersburg claiming the whole west coast of America north of the 51st parallel.

Again, in 1822, Poletica, Russian minister at Washington, informed John Quincy Adams, then secretary of state, that the Russian government claimed the Pacific coast of America, southward as far as the 49th parallel of latitude.

These differences were later adjusted by treaty between the two governments.

111. **Claims of the United States.** The United States government claimed the territory of original Oregon by virtue of the following rights:

1. *By Right of First Discovery.* Captain Robert Gray, sailing under the Stars and Stripes, discovered the Columbia River and Gray's Harbor in 1792.

2. *By Right of the Louisiana Purchase.* This purchase was made by Thomas Jefferson of Napoleon

Bonaparte in 1803. It gave the citizens of the United States a free passage into the hitherto unexplored region bordering the Columbia.

3. *By Right of First Exploration.* Oregon was explored first by Lewis and Clarke between the years 1804 and 1806.

4. *By Right of First Settlement.* The first permanent settlements in Oregon were made by citizens of the United States.

5. *By Right of Contiguity.* The purchase of Louisiana made Oregon contiguous to United States territory, and a well established principle of international law gave the United States the best right to occupy this region.

6. *By the Right Ceded by the Florida Treaty.* This treaty gave the United States all the rights Spain possessed to territory on the Pacific coast north of the 42d parallel of north latitude prior to 1819.

TREATIES AND CONVENTIONS RELATIVE TO THE NORTHWEST BOUNDARY.

112. *The Nootka Treaty.* The first treaty entered into by nations in regard to the original territory of Oregon is called the "Nootka Treaty," made between Great Britain and Spain, signed October 28th, 1790. The cause which led to the treaty was the seizure of vessels by Martinez at Nootka. The vessels were all restored and suitable reparation made, but it was Great Britain's opportunity to gain con-

cessions from Spain. Its stipulations were vague and indefinite, and the treaty was of but little importance to either nation.

113. The Convention of 1818. A convention was held between the United States and Great Britain at London, October 20th, 1818. This is called the treaty of "Joint Occupancy." It fixed the boundary line between the territory of the two nations on the 49th parallel of north latitude from the Lake of the Woods to the Rocky Mountains. The territory claimed by both nations west of the Rocky Mountains by the third article of this treaty was to be open to the occupation of the people of both nations for a period of *ten* years. This was to keep the peace between the screaming eagle and the growling lion. It served the purpose for a time.

114. The Florida Treaty. A treaty of amity, settlement, and limits between the United States and Spain, commonly called the Florida Treaty, was signed at Washington City, February 22d, 1819. The third article of this treaty established the boundary line between the United States and the Spanish possessions, and ceded to the United States all the rights of Spain to territory on the Pacific coast north of latitude 42 degrees north. This treaty gave the United States Spain's right to Oregon.

115. The Convention of 1824. A convention between the United States and Russia was signed at St. Petersburg on the 5/17 of April, 1824. This treaty resulted from the complaints of the Russian govern-

ment in regard to the alleged illicit trade with the natives by American citizens. In this treaty the Russian government acknowledges that the parallel of $54^{\circ} 40'$ north latitude marked the southern boundary of Russian America.

116. The Convention of 1825. A convention between Great Britain and Russia was signed at St. Petersburg, February 16/28, 1825. This treaty is very important to the United States government since the purchase of Alaska, whose interests are closely allied to those of the state of Washington.

117. The Convention of 1827. A convention between the United States and Great Britain was signed at London, August 6th, 1827. This treaty was a renewal of the treaty of Joint Occupancy of 1818 for another period of ten years. There was a provision made in this treaty that either party might abrogate it by serving a twelve months' notice on the other party.

118. The Treaty of 1846. The final treaty made to fix the boundary line between the United States and Great Britain was signed June 15th, 1846. The first article of this treaty reads as follows:

"From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of her Britannic majesty shall be continued westward along the said forty-ninth parallel of north

latitude, to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca's Straits to the Pacific Ocean. *Provided, however,* that the navigation of the whole said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties."

The intent of the makers of this treaty is perfectly clear. They desired to give Vancouver's Island to Great Britain, and that was all the territory she was to possess south of the 49th parallel. Hence her contention for the line through Rosario instead of Haro Strait was puerile.

THE SAN JUAN CONTROVERSY.

119. **The 49th Parallel for Boundary.** The 49th parallel as an international boundary line was proposed as a compromise of the conflicting claims to the territory west of the Rocky Mountains between 42° and $54^{\circ} 40'$. For a long time the British government persisted in claiming the territory north and west of the Columbia River after yielding that to the east and south. This pretension was adhered to until a short time before the conclusion of the treaty of 1846, when they so far receded from their position as to be willing to adopt the proposed compromise, provided that Vancouver's Island were granted to the British government. The United States finally consented to this, and the boundary placed as stipulated in the first article of the treaty of 1846.

120. The Canal de Haro the Boundary. The channel called Canal de Haro, nearest passage to Vancouver's Island and connecting the Strait of Fuca with the Gulf of Georgia, was the one meant in the treaty of 1846. This gave to the United States the Haro Archipelago, of which San Juan is the chief island. Every officer of our government who had part in the negotiation, adoption, or ratification of the treaty of 1846, assented to it with the full understanding that the Canal de Haro was to be the boundary.

121. The British Claim Rosario the Boundary. In November, 1846, Mr. Bancroft, the minister of the United States at London, communicated to the government at Washington City his apprehensions of the design of the British government to claim the boundary line to the Rosario Strait instead of the Canal de Haro, so as to throw the Island of San Juan and the other islands of the Haro Archipelago within the limits of British jurisdiction. Mr. Bancroft promptly met and combatted this pretension, and it was apparently abandoned. Later we shall see that the abandonment was only apparent.

122. Haro Archipelago Joined to Whatcom County. In 1852 the territory of Oregon, by act of its legislature, included the Haro Archipelago in one of its counties. When the territory of Washington was created these islands were made a part of Whatcom County by act of the legislature.

123. British Resume Their Claim. In 1855 the property of the Hudson's Bay Company on San Juan

Island was assessed by the county officer the same as other property, and upon their refusal to pay the taxes their property was advertised and sold for taxes. This action was followed by a correspondence between the governors of Vancouver's Island and Washington Territory, in which the former declared that he had the orders of her majesty's government to regard the islands of the Haro Archipelago as a part of the British dominions.

124. A Boundary Commission Appointed. On the 11th of August, 1856, Congress passed an act authorizing the appointment of a commission to settle the northwest boundary question. Accordingly the president appointed Archibald Campbell commissioner for the United States. The British government appointed Captain James C. Prevost, of the royal navy.

125. Meeting of the Commissioners. The commissioners met at Esquimaux Harbor, Vancouver's Island, on the 27th of June, 1857, on board the English ship *Satellite*, and exchanged credentials, with the understanding that they were mutually invested with full powers to act for their respective governments. This meeting was followed by five others, but the commissioners were unable to agree upon a boundary line. Mr. Campbell maintained that the line should pass through the Canal de Haro, and Captain Prevost urged that the channel called the Rosario Strait was the only one that would answer to the channel laid down in the treaty. Nothing was left but to refer

the matter back to their respective governments, which was done.

126. Military Occupation of San Juan Island. In July, 1859, representation was made to General Harney, commanding the military department of Oregon, that the civil officers of the British government were coming to San Juan Island to arrest an American citizen for some alleged offense and take him to Victoria for trial. Accordingly General Harney sent a company of infantry to San Juan Island to protect the citizens of the United States. The British authorities protested against this military occupation and sent a British naval force to San Juan. Then General Harney added to the original company on the island all the available troops in Washington Territory. The excitement which followed was intense. War threatened to break out at any moment. In September, 1859, the President sent General Scott to Washington Territory to make amicable arrangements until the question of sovereignty should be permanently settled by the two governments.

127. The Result of General Scott's Mission. General Scott, after considering the matter carefully, proposed that all the United States troops, except one company, should be withdrawn, and a joint occupancy by the British with a similar force should be maintained on the island. Accordingly all but one company of United States troops were withdrawn. In March, 1860, the British sent a company of marines to the northern part of the island and there established a

military post. This joint military occupancy was continued until the final settlement of the boundary question.

128. Settlement of the Boundary Question. The boundary question had been a source of bitter controversy between the two great English speaking nations for many years. Finally on May 8th, 1871, the question was referred for arbitration and finality, beyond appeal, to King William, emperor of Germany. He rendered a decision in favor of the United States, October 21st, 1872. Thus was the international boundary line dispute equitably settled. There remains one more line to settle between these governments—the Alaska British America line. Let us hope that this may also be harmoniously settled. Let “International Arbitration” be the watchword of all nations and cruel war be no more.

SUGGESTIVE QUESTIONS.

1. What Spanish navigators gave their government right to Oregon by their discoveries?
2. Wherein did Thompson’s exploring expedition differ from that of Lewis and Clarke?
3. How did Astor’s establishment differ from those made by the Hudson’s Bay Company?
4. How did Meares’ so-called discovery of the Columbia differ from that of Gray?
5. What discoveries gave Russia right to territory on the northwest coast?
6. What does the word “ukase” mean?

7. Did the United States have the best right to the territory of Oregon? Why?

8. Was it better for the United States to concede to Great Britain all of Oregon north of the 49th parallel than to engage in war?

9. After the concession of the whole of Vancouver's Island to Great Britain, was it magnanimous in that government to still contend for the sovereignty of the Haro Archipelago?

10. How did the treaty of "Joint Occupancy" affect the interests of the United States?

11. What advantages did the United States gain by the Florida treaty?

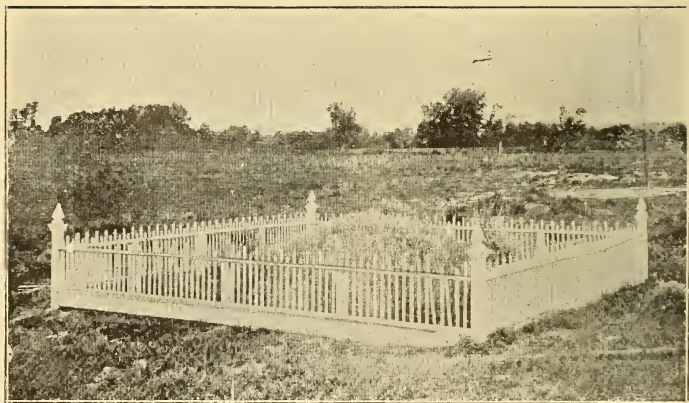
12. Was the treaty of 1827 beneficial to the United States? Why?

13. Is war between nations ever justifiable? If so, for what causes?

14. Was General Harney justifiable in sending troops to San Juan Island? Why?

15. Was General Scott's proposition for a joint military occupation of San Juan Island a wise one? Why?

16. Is the arbitration of international disputes a safe method of settlement when referred to honorable and disinterested parties?



WHITMAN'S GRAVE AT WAILATPU.

CHAPTER V.

INDIAN WARS.

129. **The Whitman Massacre.** The first outbreak of the Indians in Washington occurred on the 29th of November, 1847, called the Whitman massacre. Dr. Marcus Whitman and twelve other persons were killed. Dr. Whitman came to the country as a missionary in 1836, and established a mission among the Cayuse Indians on the banks of the Walla Walla River, just above the mouth of the Pasha, now called Mill Creek, six miles from the present city of Walla Walla. The site of the mission was named Wai-i-lat-pu, signifying the place of rye grass, this grass growing abundantly here. Here the good doctor labored for the benefit of these savages for a period of eleven years; then he was cruelly murdered by the hand he had nurtured. Mrs. Whitman was murdered at the same time. The victims of this terrible tragedy were buried together beneath a mound at the foot of the hill near the old mission. The causes of the Whitman massacre are difficult to determine. Much bitter controversy has been indulged in by the partisan friends and enemies of the martyred Whitman in regard to the cause of his death. Suffice it to say here that Indian treachery was at the bottom of the affair.

130. Character of Dr. Whitman. Dr. Whitman was a noble man. His long, toilsome ride across the plains in the winter of 1842-43 to save Oregon for the United States tests his patriotism; his fair dealings with all with whom he came in contact shows his honesty; his devotedness to the welfare of the untutored savages in his care, and his kind treatment of the weary emigrant and fatherly care for the orphan proves his charitableness. The Whitman massacre was the cause of the first Indian war in Washington Territory.

THE CAYUSE WAR.

131. The Oregon Volunteers. When Governor Abernethy learned of the Whitman massacre he issued a call for volunteers. A company called the "Oregon Rifles" was organized under command of Captain Henry A. Lee, and sent up the Columbia to protect the settlers at the Dalles. Soon after a regiment of fourteen companies, numbering about 600 men, were enlisted in the Willamette Valley and placed under command of Colonel Cornelius Gilliam. They reached the Dalles in February, 1848.

132. The Battle of Sand Hollow. From the Dalles Colonel Gilliam pushed on up the Columbia towards Waiilatpu. At Sand Hollow, about half way on his march, the Indians were met in force. They had chosen a deep canyon among the sandy hills called "Sand Hollow," being a good position, as the cuts and washes afforded the Indians good hiding places. The Indians were Cayuse warriors, led by the chiefs

Five Crows and War Eagle. The battle lasted until late in the afternoon, when just before night the Indians retired.

133. The Battle of the Touchet. After the battle of Sand Hollow the Indians fell back toward Snake River, closely followed by the volunteers. When they had arrived near the south bank of the Snake River the troops were attacked by the Indians on all sides. The troops fell back fighting as they retired slowly before the Indians. All day the battle continued. At nightfall, when the troops reached the Touchet, a small tributary of the Walla Walla, the Indians withdrew, and the troops returned to the Waiilatpu mission.

134. Commissioners to Negotiate With the Indians. The Oregon legislature had appointed a board of commissioners to treat with the Indians. They demanded of the Indians the surrender of those who committed the murders of Waiilatpu. This the Indians refused. Soon afterward the Indians abandoned their own country on the west of the Blue Mountains and crossed the mountains to hunt buffalo and to be out of the reach of the troops. The Oregon volunteers returned to the Willamette Valley, and the Cayuse war was ended.

THE WAR OF 1855-56.

135. Governor Stevens' First Treaty with the Indians. Governor Stevens had been appointed by the general government to treat with all the Indian tribes in the territory. Early in 1855 he sent Mr. Doty into eastern Washington to arrange for a council with the

tribes there. From time immemorial the great council grounds of these tribes had been at a place near the site of the present city of Walla Walla. Here Stevens met about 4000 Indians of the various tribes, and concluded a treaty after a council lasting about two weeks. Stevens then went to the Blackfoot country to form a treaty with that tribe, which he accomplished without difficulty. While here Governor Stevens learned that an Indian outbreak had taken place throughout Washington Territory.

136. **Origin of the War.** Stevens' treaty with the Indians at Walla Walla provided that the whole country should be open to settlement except the tracts set apart for reservations. Accordingly settlers began to locate on the fine grazing lands of the Walla Walla Valley, and miners began to explore and work the gold mines farther north. Many of these were treacherously murdered by the Indians while crossing the Yakima country to the mines. Indian agent Bolon went to the Atahnam, near the home of the noted Yakima chief, Kamiakin, to investigate these murders. On his return he too was brutally murdered by Qualchien, the son of Owhi, or as he was sometimes called, Show-ah-way, and nephew of Kamiakin, who, it is believed, instigated the outrage. These were the immediate causes of the war. The remote causes may be looked for in the unwillingness of the American Indian to see his wild domain occupied by civilized man. It was a repetition of the history of all the settlements of the states from the Atlantic to the Pacific.

137. **Governor Mason's Proclamation.** It was evident the Indians had determined to wage war against the settlers, and on October 14, 1855, Acting-Governor Mason issued a proclamation calling for two companies of volunteers, one in Clarke County to report to the commander of Fort Vancouver, and one in Thurston County to report to the commander of Fort Steilacoom. The United States war vessel Decatur, and the United States revenue cutter Jefferson Davis, then at anchor in Puget Sound, were requested to furnish arms, and the request was granted.

138. **Washington and Oregon Volunteers.** Following the call of the governor, the Puget Sound volunteers were organized, and under command of Captain Gilmore Hays reported to the commander of Fort Steilacoom on the 20th of October, and the next day moved to White River to reinforce Lieutenant Slaughter, who had been sent against the Indians. Another company was organized and sent to guard the mountain passes. Four companies of reserves were organized and stationed at Vancouver, Cathlamet, Olympia, and Seattle, ready to take the field at any moment. Acting-Governor Mason conferred upon Major Rains, of the regular army and commander of the military post at the Dalles, the rank of Brigadier General of Washington Territory volunteers. James Tilton was appointed adjutant general. Six companies of Oregon volunteers were organized under the command of Colonel Nesmith, with orders from Governor Curry of Oregon to co-operate with the forces of Major Rains.

EVENTS OF 1855.

EAST OF THE CASCADES.

139. **Major Haller's Expedition.** Major Granville O. Haller with 84 men left the Dalles October 3d, 1855, to co-operate with Lieutenant Slaughter, who had been sent from Fort Steilacoom to cross the Cascades by the way of Nahchess Pass. Haller marched toward the Atahnam Valley. After having passed the timber on the Simcoe Mountains he was attacked by the Indians concealed among the willow thickets along the banks of a stream called the Topinish. The battle lasted two days, when, on account of the large force of the Indians, Major Haller was forced to retreat, which he did in good order. The Indians followed the troops until they passed south of the Simcoe Mountains and then returned to the Yakima Valley. Lieutenant Slaughter had crossed the Cascades, and, on hearing of Haller's defeat, he prudently returned to the west side of the mountains. It was well he did so, for not fewer than 1500 Indians were engaged in the battle against Major Haller.

140. **Major Rains' Expedition.** Major Rains, with 350 regular troops, marched from the Dalles on October 30th, 1855, into the Yakima country. He was joined by Colonel Nesmith with four companies of Oregon volunteers. They arrived at Haller's battle ground on the 7th of November. Here they engaged in a skirmish with the Indians, who escaped on their

fleet horses. Another skirmish took place at Yakima Gap, the Indians again retiring before the troops. This expedition was fruitless, for the Indians had been but little punished, and were ready to renew the war at the first opportunity. Leaving a force to build a block house, Major Rains returned and reported in person to General Wool at Fort Vancouver. Colonel Nesmith and the Oregon volunteers went to Old Fort Walla Walla, at the mouth of the Walla Walla River.

141. **The Walla Walla Expedition.** The Oregon volunteers, under command of Lieutenant-Colonel Kelly, marched up the Columbia, toward the Walla Walla country, in November. They built a fort at the mouth of the Umatilla River, and then moved on toward the Walla Walla. On the way they were met by Peu-peu-mox-mox, "*Le Serpente Jeune*," or Yellow Serpent, the cunning head chief of the Walla Wallas. The troops, suspecting that Yellow Serpent was endeavoring to lead them into an ambush, retained him and went into camp at the mouth of the Touchet. Here they were attacked by the Indians on the morning of December 8th. Yellow Serpent undertook to escape, and was shot by the guards. The battle lasted during the 8th and 9th of December, the Indians being defeated with a loss of about 100. This engagement is sometimes called the "Battle of the Walla Walla," sometimes the "Battle of the Touchet." This defeat of the Indians was very important, as it opened up the way for Governor Stevens, then on his return from the Blackfoot country.

EVENTS OF 1855.

WEST OF THE CASCADES.

142. Indian Raids on Puget Sound. While the events just related were transpiring east of the Cascades, the Indians were massacring the settlers in the valleys of the White and Payallup rivers. Several families were massacred and others fled to Seattle for safety. Captain Eaton, with nineteen rangers, was attacked by the Indians and two of the number were killed. All the country from the Sound to the Cascades was overrun by hostile Indians.

143. The Battle of Connell's Prairie. November 3d a combined force of fifty regulars, under the command of Lieutenant Slaughter, and fifty Puget Sound volunteers, under the command of Captain Hays, engaged about 200 Indians at Connell's Prairie, on White River. The Indians were defeated with a loss of about thirty. The Whites lost two, one killed and one wounded.

144. Skirmish on Green River. November 4th the forces of Slaughter and Hays engaged in a skirmish with the Indians on Green River, in which the Indians were again repulsed. One of Lieutenant Slaughter's men was killed and four wounded.

145. Defense of the Lower Sound. November 3d a company of volunteers, called the "Northern Rangers," was organized on Whidby's Island for the defense of the lower Sound country. They were commanded by Captain Isaac N. Ebey, and were stationed

in detachments to guard important points on the lower Sound, particularly the Snohomish River, the usual route of the hostile Yakimos on their expeditions to the Sound country.

146. Death of Lieutenant Slaughter. On the 5th of December Lieutenant Slaughter with his command occupied the site of the present town of Auburn—once named Slaughter. They were attacked by the Indians, and Slaughter and two of his men were killed. Lieutenant Slaughter was a gallant officer, and had rendered valuable services in the defense of the settlers. Soon after this the troops were withdrawn from the field to the forts and block houses, and the campaign of 1855 was ended.

147. Stevens' Return From the Blackfoot Country. When Governor Stevens heard of the Indian outbreak he was in the Blackfoot country. He immediately started on his return to Olympia, where he arrived on the 19th of January, 1856, having passed directly through the country of the hostile Indians with but a small guard.

EVENTS OF 1856.

WEST OF THE CASCADES.

148. Organization of the Washington Volunteers. When Governor Stevens reached Olympia he issued a proclamation calling for volunteers. Soon a force was organized and divided into three battalions, called

respectively the Northern, Central, and Southern battalions, each under the command of a major.

149. Plan of the Campaign. The plan of the campaign was to guard the line of the Snohomish with the Northern battalion; to move the Central battalion at once into the midst of the Indian country; to operate with the Southern battalion east of the Cascades. Roads and block houses were to be built to protect the settlers near their homes. During the war 36 block houses were built by the volunteers, three forts and one block house by the regulars, and 23 stockades and block houses by the settlers. As Governor Stevens expressed it in his report to the Secretary of War, "The war will be emphatically a war of block houses."

150. Attack on Seattle. After the troops had been withdrawn from the field in December, 1855, the Indians formed a plan to attack the settlers at Seattle. The Yakima chief, Owhi, joined his force of Yakimas and Klickitats with those of Coquilton. Seattle was but a hamlet then. The available force for its defense was about 150 men belonging to the war vessel Decatur. The hills upon which the city is built were then covered with timber and dense underbrush, affording concealment for the hostile Indians. On the morning of January the 25th, 1856, the town was attacked by more than a thousand savages. The settlers forewarned, escaped to the block-house, with the exception of two, who were killed. Two houses were burned and several plundered. All day and into

152. **Incursions of the Northern Indians.** The northern Indians, taking advantage of the disturbed state of affairs on the Sound, caused by the Indian war, found opportunity to make raids into the settlements along the shore of Puget Sound. These raiders belonged to the Longa Hydah, Stickene, and Shineshean tribes, who in large canoes capable of carrying seventy-five people each, would appear on the Sound at an unexpected moment and kill and rob the settlers with impunity.

153. **The Battle of Port Gamble.** Captain Swartwout, commander of the U. S. steamer Massachusetts, being informed that the northern Indians were committing depredations near Steilacoom, proceeded to Henderson's Bay, where the marauders had been, but gone from there to Port Gamble. Here he found them encamped in large force. After several unavailing attempts to induce the Indians to quit the Sound under promise not to return, Captain Swartwout attacked the savages and completely defeated them with a loss of 27 killed and 21 wounded. This action closed the war on Puget Sound.

EVENTS OF 1856.

EAST OF THE CASCADES.

154. **The Attack on the Cascades.** On the morning of March 26th, 1856, the settlers at the Cascades of the Columbia were attacked by the Yakima and Klickitat

Indians. Two days and nights the settlers were besieged, when they were relieved by troops from the Dalles under Colonel Wright.

155. Colonel Wright's Expedition Into the Yakima Country. After repulsing the Indians at the Cascades, Colonel Wright returned to the Dalles and thence marched to the Yakima Valley. On the 8th of May he met the Indians near the Natchess River. Here he remained several weeks endeavoring to hold a council with Kamiakin, but was not successful. The Indians moved away and Colonel Wright returned to the Dalles, having accomplished nothing and leaving the hostile Indians determined as ever to wage war against the settlers. Colonel Wright learned afterward better how to deal with Indians, as we shall see in his campaign of 1857 in eastern Washington.

156. Colonel Shaw's Expedition Over the Cascades. The war had closed on the Sound, and Governor Stevens determined to march a force over the Cascades according to his original plan and subdue the hostile Indians in eastern Washington. Colonel Shaw was made commander of the expedition. With a force of 175 men of the Central and Southern battalions and a pack train of 27 men and 109 pack animals he started from Camp Montgomery on the 12th of June. On the 22d of June a force of 175 men under captains Goff and Williams, with a train of 45 wagons, marched from the Dalles up the Columbia to join Shaw. These two forces were joined on the 9th of July on Mill Creek in the Walla Walla Valley, except

a detachment of 60 men under Captain Goff, who had left the train at Umatilla to assist Major Layton of the Oregon volunteers in pursuit of a body of Indians in the Blue Mountains.

157. The Battle of Burnt River. Captain Goff joined Major Layton, and together they engaged the Indians in a canyon on Burnt River, in eastern Oregon, on the 16th day of July. The battle lasted from early morning until 6 o'clock P. M. The Indians were defeated.

158. The Battle of Grand Ronde. On the 14th of July Colonel Shaw started from the Camp on Mill Creek for the Grand Ronde Valley. On the 17th an engagement with a large body of Indians took place on the banks of the Grand Ronde River. After several hours severe fighting the Indians fled toward a rocky canyon leading towards Powder River, through which they escaped. All the baggage of the Indians was captured. This decisive battle and that of Burnt River completely crushed the war spirit of the Indians. The coalition of the several tribes was broken and the Indians dispersed. Colonel Shaw, with his command, returned to the camp at Walla Walla.

159. Governor Stevens' Second Council at Walla Walla. Governor Stevens, deeming this a favorable time to treat with the Indians, sent word to all the tribes, both hostile and friendly, to meet him in council at Walla Walla. Here Stevens met the hostile Indians assembled in large numbers, and in no friendly mood. None but the brave Stevens would have dared

to meet such a band of fierce savages under such circumstances. The council opened on the 11th of September and continued on the 12th and 13th, but all Stevens' efforts to persuade the Indians to establish amicable relations were unavailing. Still he continued his efforts until the 17th, but the Indians were immovable. On the morning of the 18th Stevens made a brief address to the Nez Perce Indians, in which he expressed his regrets that he had failed in his mission, that no one said "yes" to his propositions, and he now had only to say, "follow your own hearts; those who wish to go into war, go."

160. Stevens Attacked by the Indians. On the 19th Governor Stevens started for the Dalles. When he had gone about three miles he was attacked by the Indians about 450 strong. Stevens' force was about 120. With this small force Stevens fought and defeated the Indians.

EVENTS OF 1857.

161. The Indians Still Hostile. The volunteers were disbanded near the close of 1856, and the regular forces in Washington increased. The Indians were still hostile, and remained so during the year 1857. The Palouse Indians made a raid into the Walla Walla country and drove off the cattle belonging to the military post. Colonel Steptoe, the commander of the post, determined to punish them for the outrage.

162. The Battle of Steptoe Butte. On the 6th of May, 1857, Colonel Steptoe, with 130 men, marched

toward Snake River. At the mouth of the Alpowa the troops were ferried over the Snake by Timothy, a friendly Nez Perce chief, who, with a band of his own men, accompanied Steptoe northward. On the 18th a thousand Indians attacked Steptoe's command of less than one hundred and fifty. The Indians came up on all sides. Charge after charge was made by the gallant troops to break the circling line of yelling savages. Captain Oliver Taylor and Lieutenant William Gaston were killed and several of their men. Here on a prominent butte, or hill, they fought all day without water. When night came, guided by the friendly Timothy, by a difficult but unguarded trail, Steptoe, with the survivors of his command, moved silently away and returned to Walla Walla. This battle was fought on an eminence since called "Steptoe Butte," situated about seven miles from the present town of Colfax.

163. League of the Tribes. The result of the battle of Steptoe Butte caused a league of all the powerful tribes of eastern Washington. The Yakimas, the Spokanes, the Palouses, the Cœur d'Alenes, and the hostile portion of the Nez Percés immediately formed a confederation to wage war against the whites. They became bold and defiant. Small parties of whites were attacked in every part of the country. There was no safety for white men any place in Washington east of the Cascades. The Indians even threatened to come down and destroy the military post at Walla Walla. The time had come to prosecute the war

against the Indians in earnest and teach them a lesson which they should not soon forget.

164. Colonel Wright's Expedition to Spokane. An expedition to the Spokane country was undertaken by Colonel Wright. The troops for this expedition were assembled at Fort Walla Walla. Contemporaneously an expedition was to be made by Major Garnett into the Yakima country with a force of 300 men, there to establish a post and afterward to co-operate with Colonel Wright. The advance of Wright's command arrived at the mouth of the Tucannon on August 11th, where a fort was built and named in honor of Captain Taylor, who fell in the battle of Steptoe Butte. On the 18th Colonel Wright, with the remainder of his force, arrived at Fort Taylor, crossed Snake River and proceeded northward.

165. The Battle of the Four Lakes. On the 1st of September Colonel Wright encamped near the "Four Lakes," of which the famous Medical Lake is one. Here the Indians had assembled in strong force. They were defiant and insolent, and it was evident they had determined to attack the troops at this place. Colonel Wright brought his whole force into position for battle. The Indians massed in the open plain. They were so numerous that they "seemed to cover the country for some two miles," says an eye witness. Mounted on their fleet horses they swayed back and forth, yelling their fierce war whoops. Most of them were armed with muskets, but some had bows and arrows and long lances. The troops moved down the

hill toward the plain. They were armed with the long range minie rifles here for the first time used in Indian warfare. They began to fire upon the Indians at long range, which was so effective that the Indians fled in dismay. The dragoons pursued the Indians about two miles, killing and wounding many. The Indian loss was between fifty and sixty. Not a soldier was hurt. The long range minie rifle did it.

166. The Battle of Spokane Plains. On the 5th of September Colonel Wright marched toward Spokane River. On this march the troops were attacked by a strong force of Indians. The battle was continued for a distance of fourteen miles, fighting all the way. There were five hundred Indians engaged, many of whom were killed and wounded, the notorious Yakima chief, Kamiakin, being among the latter. This engagement is known as the "Battle of Spokane Plains."

167. Closing Events of the War. After the battle of Spokane Plains Colonel Wright captured all the bands of horses belonging to the hostile Indians and ordered them shot. This was a crushing blow to the Indians. Deprived of their horses they could wage war no more. Colonel Wright then held a council with the Cœur d'Alenes and the Spokanes, who readily entered into a treaty of peace. Qualchen, the murderer of Agent Bolon, was taken and hanged. Owhi was also taken, and upon trying to escape was shot by the guard. The death of these leaders of the hostiles, and the decisive action of Colonel Wright in this campaign, completely subdued the Indians and

closed the war. This was the last Indian war in Washington. The Indians had felt the power of the white man, and learned to respect it.

SUGGESTIVE QUESTIONS.

1. Were the Indians east of the Cascades more warlike than those west of that range? Why?

2. Of what benefit was Dr. Whitman's mission at Waiilatpu to Oregon and Washington?

3. Did the Oregon volunteers do right in avenging the death of Whitman?

4. What effect did the "Cayuse War" have upon the Indians?

5. What trait of character gave Governor Stevens so much influence among the Indians?

6. Was Governor Stevens *firm* or *yielding* in his negotiations with the Indians?

7. In what way did Governor Stevens' negotiations with the Indians differ from those of the officers of the regular army?

8. What provocation did the Indians have for beginning the war of 1856?

9. How did the services rendered by the navy compare with those of the regular army?

10. Was the manner of the death of Peu-peu-mox-mox justifiable?

11. How did the manner of conducting the war west of the Cascades differ from that east of this range?

12. What is a block-house? A stockade? A fort?

13. Could the Eastern Washington Indians have reached the Sound by any pass of the Cascades north of the Snoqualmie?

14. Was it right for the state legislature to change the name of the town of Slaughter to Auburn? Why?

15. Did Governor Stevens act wisely in returning from the Blackfoot country overland instead of by the way of New York, as advised? Why?

16. What effect did this have on the Indians?

17. In what way did the Nez Perce Indians differ from the other Eastern Washington tribes?

18. What was the cause of this?

19. What makes the "Cascades of the Columbia", an important strategic military point?

20. Compare Col. Wright's method of dealing with the Indians in the Yakima Valley with that at Spokane; which was the wiser?

21. What effect did the battles of Burnt River and Grand Ronde have?

22. Do the events of the war show the Indians to have been *brave* men?



ELISHA P. FERRY,
FIRST GOVERNOR OF WASHINGTON.

CHAPTER VI.

STATEHOOD.

168. **Transition From Territory to State.** For a period of more than ten years prior to admission the people of the Territory of Washington had been knocking at the door of the Union. In 1877 the legislature passed an act approved November the 9th, providing for a convention to form a constitution for the state of Washington. A constitution was duly formed, and at the election in 1878 was ratified by a vote of 6462 to 3231. Delegate Thomas H. Brents introduced a bill in the 45th Congress to provide for the admission of Washington under the constitution of 1878. This bill failed to pass. Mr. Brents introduced a second bill in the 47th Congress for the admission of Washington. This bill authorized the people of Washington and of the three northern counties of Idaho, to hold a convention to form a state constitution. These efforts were continued session after session without avail. In 1886 another bill for the admission of Washington was presented to Congress. This bill provided for a convention to form a constitution. At the same time a second bill was introduced for the annexation of the three northern counties of Idaho. The legislature of both territories were favorable to the annexation. The people of North

Idaho, at an election, voted for annexation by 1216 votes to 7. The annexation bill was passed by Congress, but was vetoed by President Cleveland.

169. The Enabling Act. Finally, after many attempts, Congress passed an act called the Enabling Act entitled "an act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments, and to be admitted into the union on equal footing with the original states, and to make donations of public lands to such states." President Cleveland approved this act February 22d, 1889.

170. The Constitutional Convention. The enabling act provided for the election of seventy-five delegates, who met at Olympia July 4th, 1889, to form a state constitution. John P. Hoyt, of Seattle, was elected president of the convention, and John I. Booge, of Spokane, chief clerk. The convention was in session fifty days, and made and adopted a constitution, which was ratified by the people at an election held October 1st, 1889, by a vote of 40,152 to 11,789.

171. Admission Into the Union. On November 11th, 1889, President Harrison approved the admission of the State of Washington into the Union. After patiently waiting more than a decade, the people of Washington were granted their petition to become a part of the great American Union.

172. The First State Officers. At the first election the Republicans elected all the state officers by about

8000 majority. Elisha P. Ferry, who had served as territorial governor, was elected first governor of the state. Charles E. Lawton was elected lieutenant governor; Allen Weir, secretary of state; A. A. Lindsley, state treasurer; Thomas M. Reed, state auditor; Robert B. Bryan, superintendent of public instruction; W. T. Forrest, commissioner of public lands. R. O. Dunbar, J. P. Hoyt, T. J. Anders, T. L. Stiles and Elmer Scott were elected judges of the Supreme Court.

173. The First Representative to Congress. When Washington was admitted into the Union she was entitled to only one representative to Congress. John L. Wilson, of Spokane, was elected to this office, receiving 34,039 votes, against 24,492 votes for Thomas C. Griffiths, the Democratic nominee. Mr. Wilson was re-elected in November, 1890, receiving 29,153 votes, against 22,831 votes for Thomas Carroll, the Democratic nominee.

174. Location of the State Capital. The location of the state capital was submitted to the people, who at the first election cast 25,490 votes for Olympia, 14,718 for North Yakima, 12,883 for Ellensburg, and 1088 votes for other places. None having a majority of the votes cast, the seat of government remained at Olympia, where it had been since the organization of the territory. At the next general election the question was again submitted to the people, and Olympia was chosen as the permanent capital of the state.

GOVERNOR FERRY'S ADMINISTRATION.

1889 TO 1893.

175. **Inauguration of the State Officers.** On November 18th, 1889, the state officers were inaugurated and the State of Washington was thereby completely endowed with all the functions of state government. The first state administration was a period of general prosperity, and the great natural resources of the new state were rapidly developed during the time.

176. **The First United States Senators.** On the 19th of November, 1889, the legislature elected John B. Allen, of Walla Walla, and Watson C. Squire, of Seattle, the first United States Senators for the state of Washington. Both were Republicans. Mr. Squire drew the short term, expiring March 3d, 1891, and Mr. Allen, the long term, expiring in 1893. In January, 1891, Mr. Squire was re-elected senator for the full term of six years, expiring March 4th, 1897.

177. **Election of State Officers.** At the election in 1892 John H. McGraw, of Seattle, was elected governor; F. H. Luce, of Davenport, lieutenant governor; James H. Price, of Tacoma, secretary of state; L. R. Grimes, of Ellensburg, state auditor; O. A. Bowen, of Skamokawa, state treasurer; W. T. Forrest, of Chehalis, commissioner of public lands; W. C. Jones, of Spokane, attorney general; C. W. Bean, of Colfax, superintendent of public instruction; O. C. White, of Olympia, state printer. They were all Republicans, and were elected by an average plurality of 6790 votes.

GOVERNOR MCGRAW'S ADMINISTRATION.

1893 TO 1897.

178. **The Inauguration of State Officers.** The state officers elected were inaugurated January 11th, 1893. During Governor McGraw's administration the state advanced rapidly in wealth and the development of its resources and state institutions. The foundation of the new capitol building was laid, the new university building was constructed, and transportation lines, both by railway and by water, established. The rich mines of the state were developed, and several important manufactures at various places in the state.

179. **Balloting for United States Senator.** The legislature began to ballot for a United States senator to succeed John B. Allen on January 18th, 1893, which resulted in a "dead lock." This was caused by a division in the Republican members, a part supporting John B. Allen for re-election, and a part voting for George Turner, a Republican of Spokane. The balloting was continued until March 9th. 101 ballots were taken without a choice, then the legislature adjourned. After the adjournment of the legislature Governor McGraw appointed John B. Allen United States Senator. He was clearly the choice of a majority of the Republicans, but the Senate refused to accept the appointment, and the state of Washington had but one United States senator until 1895, when John L. Wilson, of Spokane, was elected.

180. **Election of Representatives to Congress.** At the election in 1892 John L. Wilson was re-elected

representative to Congress, and as the state had been granted another representative, W. H. Doolittle, of Tacoma, was elected to the office. At the election in 1894, Doolittle was re-elected, and Samuel C. Hyde, of Spokane, was elected to take Wilson's place, who was now a senator.

181. Election of State Officers. At the general election held on November 3d, 1896, there was a fusion of the Free Silver Democrats, the Populists and the Free Silver Republicans, who succeeded in electing their entire state ticket. John R. Rogers, of Puyallup, was elected governor; Thurston Daniels, of Clarke County, lieutenant governor; Will D. Jenkins, of Whatcom, secretary of state; Neal Cheatham, of Whitman County, state auditor; C. W. Young, of Whitman County, state treasurer; Robert Bridges, of Seattle, commissioner of public lands; Patrick H. Winston, of Spokane, attorney general; Gwinn Hicks, of Olympia, state printer; Frank J. Browne, of Seattle, superintendent of public instruction.

182. Election of Representatives to Congress. At the general election in November, 1896, James Hamilton Lewis, a Free Silver Democrat of Seattle, and W. C. Jones, a Free Silver Republican of Spokane, were elected representatives to Congress.

GOVERNOR ROGERS' ADMINISTRATION.

1897

183. Inauguration of State Officers. January 13th, 1897, the new state officers were inducted into office

in the usual manner, and the state government passed from the hands of the Republicans, who had been in control since the admission of the state.

184. Election of United States Senator. The fifth legislature of Washington convened at Olympia on the the 11th day of January, 1897. The fusion party held the majority and began to ballot for the successor of Senator Squire. A dead-lock resulted, which was broken after 25 ballots had been taken, resulting in the election of George Turner, a Free Silver Republican of Spokane.

PROGRESS OF THE STATE.

185. Population of Washington. In 1880 the national census showed Washington Territory to have a population of 75,116. According to the census taken in 1890 the state had a population of 349,390. In 1880 Washington Territory stood number 42 among the 47 states and territories in regard to population. In 1890 Washington was number 34 in the 49 states and territories in population, having gained eight places in rank in ten years, more than any other state or territory. This remarkable increase in population has continued since the last national census.

186. Important Commercial Events. Several important commercial events have transpired since the admission of the state. In 1892 the Great Northern Railway from St. Paul, Minnesota, to Seattle, was completed, and the same year a line of ocean steamers

was established between Hong Kong, China, and Tacoma. During the year 1892 the Northern Pacific Company completed a branch line from Chehalis, in Lewis county, to South Bend in Pacific county, and another branch from Centralia to Gray's Harbor. In 1896 a line of steamships was established between Japan and Seattle, called the Nippon Yusen Kaisha. These enterprises bring the Occident and Orient into close commercial relations, and are of inestimable value to the interests of the state of Washington.

187. Trade with Alaska. An important trade between Alaska and the cities on Puget Sound has been built up and is growing in importance each year. The ports of the Sound are the natural entreposts for the Alaska trade. Since the discovery of the rich gold fields of the Klondike on the Upper Yukon, the trade with Alaska has increased an hundredfold.

188. Agricultural Interests. Eastern Washington is the finest wheat growing region in the United States. The wheat fields of Walla Walla Valley and the Palouse country are unsurpassed for the amount produced per acre and the quality of the grain. The Lower Sound country is noted for the immense crops of oats produced. The state of Washington leads the world in the production of hops, both in the quality and the amount produced per acre. All the fruits and grains of the temperate zone grow luxuriantly in Washington.

189. The Lumber Industry. In the amount of lumber produced Washington excels any other state

in the Union. The forests of fir and cedar growing in the Puget Sound basin, and on the west slope of the Cascades, are almost inexhaustible. The fir timber is most excellent in quality, much used for shipbuilding. The cedar makes the best quality of shingles. Washington has in her ports along the Sound the largest and best equipped sawmills, at which vessels load lumber for all parts of the world.

190. Shipbuilding. The interests of shipbuilding has steadily increased in the state, and is destined to become of great value in the near future. In the several shipyards on the Sound many vessels are annually constructed. The Moran Brothers at Seattle are at the present time (1897) engaged in building two steel vessels for the United States government.

191. The Fish Industry. The fish industry of Washington is very valuable commercially to the state. The Sound and the bays of the west coast and the rivers abound in fish of many kinds and of excellent quality for food. The salmon of the Columbia River is the finest food fish produced. The canning industry has grown to be of great value. Many halibut, cod, oysters, clams, shrimps and other kinds of fish are annually taken in the waters of Washington. Olympia oysters are noted. Washington also carries on an important seal fishery in Behring Sea.

192. Mining. In the number and value of her mines Washington takes high rank among the states. The precious metals are produced in many parts of the state, and the valuable metals, coal and iron, are

found in the Cascades and the foot-hills in large quantities. Coal mining in western Washington has become a great industry, and furnishes employment to many people.

193. Manufacturing. During the last decade factories have sprung up all over the state. The many natural resources within her borders are sure to make Washington a great manufacturing state in the near future. The manufactures of the state consist of lumber, shingles, wooden implements, paper, iron implements, and others in great variety.

194. Life-Saving Stations. The noblest institutions of our government are those established for saving the lives of mariners. Three life-saving stations have been established on the southwest coast of Washington, one on Willapa Harbor, one at Ilwaco Beach, and one near Cape Hancock, on Baker's Bay. Another is now being constructed near Westport, on Gray's Harbor.

195. Size of the State. The state of Washington has an area of 69,994 square miles—44,796,160 acres. The shore line from Cape Flattery to the Columbia River is 170 miles, the distance direct being 156 miles. The inside shore line is 1992 miles.

196. The "Evergreen State." The history of this young but vigorous commonwealth of the Pacific has now been presented for the benefit of the youths, who must soon take their places in the management of its government, an outline of which constitutes the

second part of this volume. It is hoped that they may from the study of the history of their state obtain the knowledge and zeal to enable them to perform their duties well as citizens. It has been the custom in the United States to confer *pet* names upon the several states. When Washington was admitted into the Union some one suggested that she be called the "Sunset State." Another suggested "Bunch Grass State," but finally, by common consent, the very appropriate name, "Evergreen State," was adopted.

SUGGESTIVE QUESTIONS.

1. What benefits did the people of Washington attain by the change from the territorial to the state government?

2. Why did President Cleveland veto the annexation bill?

3. What must the people of a territory guarantee before attaining state government?

4. What remarkable historical coincidence of name and date is connected with the admission of Washington?

5. Was the location of the state capital at Olympia a wise choice? Why?

6. What can be said in favor of North Yakima for state capital? Ellensburg?

7. What do the "dead locks" in the legislature in the sessions of 1893 and 1897 teach?

8. What caused the rapid growth of population in Washington during the decade 1880-1890?

9. In what natural resources does Washington excel every other state?

10. What are the duties of the keeper of a life-saving station?

11. Why was Washington called the "Evergreen State"?

PART II.

GOVERNMENT OF WASHINGTON.

CHAPTER VII.

GENERAL PRINCIPLES OF GOVERNMENT.

197. **Origin of Government.** Man by nature is gregarious. It is not natural in man to be a hermit. Society is necessary for human happiness. Government had its origin in the requirements of civil society. Some form of government has existed since the beginning of the human race. A child is born subject to the government of its native country.

198. **Necessity of Government.** If all men were disposed to do right and act justly with their fellow-man, government would be unnecessary. But history teaches and experience shows that some men will not regard the rights of their neighbor and deal justly with him; hence government is necessary to restrain such men in their evil actions, and to guarantee to all protection in the enjoyment of their rights.

199. **Objects of Government.** Government exists not for the pleasure of the ruler, but for the benefit of the governed. Hence the objects of government

are to secure to the citizens living under it the exercise of all the rights and privileges belonging to them by nature, and to protect those disposed to do right, and punish those who do wrong.

200. Forms of Government. Usually writers enumerate but three forms of government: (1) Monarchy, (2) aristocracy, (3) democracy. But in this book we will divide governments into six kinds, presented in the order of their origin or use as the human race advanced in civilization. These six forms of government are: (1) Theocracy, (2) patriarchal, (3) tribal, (4) aristocracy, (5) monarchy, (6) democracy.

201. Theocracy. This form of government, as the name implies, is a government by God. Adam and Eve in the Garden of Eden were governed by theocracy. Theocracy is the oldest form of government. The government of the Jews was a theocracy administered by priests. Early Mohammedanism was theocratic. While the Papal states of Italy were under the dominion of the Pope, their government was a theocracy. Mormonism is a theocracy.

202. Patriarchal Government. This form of government is one administered by the father of a family. Next to theocracy, it is the oldest form of government. Abraham, Isaac and Jacob were patriarchs, and ruled over their families of many persons.

203. The Tribal Form. The patriarchal form of government gradually merged into the tribal form, which is a combination of families under the govern-

ment of a chieftain. The clans of Scotland were tribal forms of government, the rulers of which were patriarchs of some prominent family who became chiefs of the clans. The Indians of America were formerly governed by the tribal form of government.

204. Aristocracy. An aristocracy is a government administered by a few persons endowed with what is called nobility and the power of ruling the people. Formerly the governments of Genoa and Venice were aristocracies. Experience proves that an aristocracy is the worst form of government.

205. Monarchy. A monarchy is a government by one person, usually a king or queen. This form of government is the strongest kind, and, if all monarchical sovereigns were good and just rulers, this form would be the best, but history teaches that some monarchs are tyrannical, and, therefore, this form of government is gradually being replaced among the civilized nations of the earth by republican forms, for example—the great nation of France, formerly a monarchy, has been since 1870 a republic. Monarchies are of two kinds, (1) absolute; (2) limited, or constitutional. The power of the ruler of an absolute monarchy is unlimited. His pleasure is the law. The Czar of Russia is an absolute monarch. The power of the sovereign of a limited monarchy is modified by a constitution restricting his actions. The government of Great Britain is a limited monarchy.

206. Democracy. A democracy is a government by the people. The sovereignty of a democratic form

of government is vested in the people who administer the laws either directly or indirectly. Hence, there are two forms of democracy, (1) pure democracy; (2) representative democracy, or republic. In a pure democracy all the people assemble to make, interpret and execute the laws. This form of government is practicable only in small districts. Some of the early settlements of New England had pure democratic governments. Perhaps a really pure democracy does not now exist. A republic is a form of government administered by the representatives elected by the people. The governments of Switzerland and France in Europe, most of the South and Central American governments, Mexico and the United States, are republics. Experience teaches that a democracy is the best form of government ever devised.

207. Anarchy. There is a condition, not government, called anarchy, which means governed by none, or absence of all government. None but the vicious and licentious advocate anarchy. A state of anarchy would degrade civilization into barbarism. In a republican form of government there is always danger that ignorant and vicious men, led on by designing demagogues, may mistake their privileges of personal liberty, enjoyed to a high degree under such governments, for license to disregard law and order, and this, if not checked, will result in anarchy. Liberty is not freedom to do as one wills without regard to the rights of others. The greatest liberty is the protection of the rights of a people by good and whole-

some laws administered justly under a free government. The safeguard of republics is the free public school.

208. Law. Law is a rule of action. The law forbids wrong actions and commands right actions. Law is the basis, or foundation of government. The several kinds of law are (1) divine law; (2) international law; (3) constitutional law; (4) municipal law.

209. Divine Law. Divine law is the law of God. It is also called the moral law and the law of nature. Man owes his first allegiance to divine law. All other laws should conform to divine law. No one should obey any law contrary in principle to the divine law. One's conscience is the judge. Furthermore, divine law is the basis of all other kinds of law.

210. International Law. Next to divine law in importance stands the law of nations. International law consists of the well established customs which govern nations in their intercourse with one another. International law comprises the various principles of common law recognized by all civilized nations as rules of action to be observed and practiced by all nations. Treaties between nations belong to this species of law.

211. Constitutional Law. A constitution embraces a system of fundamental laws for the government of a state or nation. A constitution usually defines the form of government and extent of its powers. Constitutions may be written or unwritten. The constitution of the United States and the constitutions of the several states are written. That of Great Britain, un-

written, yet the principles of the British constitution are as well known and as closely observed as those of our own state and nation.

212. Municipal Law. The prescribed laws made for the government of the people of a state or its divisions, are called municipal laws. Municipal laws consist of two kinds, (1) common, or unwritten law; (2) statute, or written law.

213. Common Law. Common law consists of all those customs, rules and maxims which have been in use from time immemorial. In technical language, "the memory of man runneth not to the contrary," *i. e.*, when the particular custom, rule, or maxim did not prevail. Common law consists largely of judicial decisions.

214. Statute Law. The enactments of the legislative department of a government constitute what is called statute law. Statute law may be found in the printed codes of the several states.

215. Departments of Government. Government consists of three departments, (1) legislative; (2) executive; (3) judicial. In some forms of government these three functions are vested in one person or body, but in a republic they usually consist of three distinct bodies. Such is the case in the United States general government and also in the several state governments. Laws are made by the legislative department, interpreted by the judicial department, and enforced, or administered by the executive department.

216. Divisions of the State. For the purposes of local government a state is divided into counties or towns, sometimes called townships. In some of the states of the Union the county is the unit of government; in some the town, or township is the unit, while some states have both the township and the county, forming what is called a mixed system of local government. These divisions had their origin in the divisions of the territory of England into counties, counties into hundreds, hundreds into tithings or towns. The states having the town as the unit of government, have followed the system of Massachusetts. Those having the county as unit, have followed Virginia. Those having the mixed system, have followed New York and Pennsylvania. For a complete discussion of this topic, see Hinsdale's *American Government*. The county is the unit of government in the state of Washington. The state constitution makes provision for local option township organization. [See section 4 of article XI.] Several counties have voted upon the question of township organization, but it has failed to carry in every instance. Perhaps on account of the natural features of the country the county will always remain the unit of local government in the state of Washington.

217. The Government of Washington. Every person in the state of Washington is subject to at least three systems of government, and may be subject to six. The three systems are: (1) The general or United States government, (2) the state government,

(3) the county government. The six systems arranged in the order of treatment in this book are: (1) The family, (2) the school, (3) the city or town, (4) the county, (5) the state, (6) the United States. Each of these except the last* will form the subject of a subsequent chapter and complete our analysis of the government of Washington.

SUGGESTIVE QUESTIONS.

1. Is government of divine or human origin? Why?
2. What are the natural rights of man?
3. How do we distinguish between right and wrong?
4. Are men happier in a civilized state than in a state of barbarism? Why?
5. Is theocracy a good form of government? Why?
6. Does the patriarchal form of government now exist? If so, where?
7. Does the tribal form now exist? If so, where?
8. Under what conditions would an aristocracy be a good form of government?
9. Why is a monarchy the strongest form of government?
10. Is a republic a better form of government than a limited monarchy? Why?
11. Does a pure democracy now exist? If so, where?
12. Why is a democracy, or republic the best form of government?

*The last system constitutes the subject of Part III.

13. What is true liberty? Has a man the right to do as he pleases?
14. Why is the free public school the safeguard of a republic?
15. Why is law the basis of government?
16. Should a man obey a bad law? Why?
17. Why should all other laws conform to divine law?
18. What is the penalty for the violation of international law? How administered? By whom?
19. Which is the better, a written or an unwritten constitution? Why?
20. Is it wise to enact a voluminous code of municipal laws? What should govern the limit in such enactments?
21. Can a common law be repealed? How?
22. Why should the three departments of government be separate, or distinct bodies?
23. What caused the county to be made the unit of local government in the state of Washington?
24. What natural features and what conditions will probably prevent township organization in the state of Washington?
25. What residents of Washington live under three systems of government? Four? Five? Six?

QUESTION FOR DEBATE.

Resolved, That the township system of local government should be adopted in the state of Washington.

CHAPTER VIII.

THE FAMILY.

218. The Basis of Civilization. The family is the basis of civilization and the foundation of civil government. The first government of which a person is subject is that of the family. Happy is the child reared in a well-governed family. The ruler, or head of the family should be a wise legislator, a just judge and a prompt executor, for upon him devolve these three functions of government. The head of the family should be a well-educated person. The better the family government, the better will be the government of the school and of the state.

219. Importance of the Family. The importance of the family cannot be overestimated. Our high state of civilization depends more upon the family relations than upon those of any other agency. A social system which disregards the family organization is a bad one. Moreover, the family is the unit proper of civil government and must be sacredly cherished if we desire the perpetuity of our free institutions.

220. Origin of the Family. The family had its origin in the civil ceremony of marriage, which has existed since the dawn of civilization. Marriage is a sacred rite, and is always solemnized by a minister of

the Gospel or a civil magistrate authorized by law to perform the ceremony.

221. Members of the Family. The members of the family are the parents or rulers, and the children or subjects who remain under the parental care and control until the legal age of majority, which in the state of Washington is twenty-one years for boys, and eighteen years for girls.

222. Duties of Parents. The duties of parents toward their children consist of (1) maintenance, (2) protection, (3) education. The duty of a parent to provide for the maintenance of his children is founded on the law of nature. He who fails to support his children is an unnatural parent. Protection is also a natural duty of the parent toward his children, and he is as justifiable in his actions in defending his child from harm as in defending himself. The natural law of maintenance and protection of offspring belongs to the entire animal kingdom. It is the duty of a parent to see that his children are properly educated, and he who neglects the education of his children neglects not only a natural duty towards his child, but also neglects his duty as a good citizen. Parents, "Train up your child in the way he should go, and when he is old he will not depart from it."

223. Duties of Children. The duties of children towards their parents consist chiefly of moral obligations. It is the duty of a child to love, respect and obey his parents during the period of his minority. Love and respect for his parents are duties of a child,

also after he has attained his majority, and should continue through life. He is an unnatural child who forgets his father and mother. "Honour thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee."

224. Influence of the Family. The influence of the family is far reaching. It goes out from the hearthstone into all the vocations of life; into the fields, the workshop, the factory, the counting-house, the court of justice, the legislative hall, the bar, the pulpit and the teacher's desk. A man is sure to reflect the family influences in all the actions of his life unless these influences have been counteracted by others. In our intercourse with our fellows it is easy to distinguish one reared under good family influences from one reared under bad. As the family is the foundation of civil government, so is its influence for good or bad felt in all administrations of civil affairs. Let us now examine some of the good influences of family government when rightly administered.

225. Submission to Authority. He is not fitted to govern others, who has not learned to govern himself. And as every person some time during his life is liable to be placed in the position of a ruler, it is necessary that he learn to submit to authority, that he may prepare himself to perform the functions of a ruler when so required to do. Every child should learn this important duty, in order to become a good citizen. Every well-governed family has its rules of action which all the members of the family should

observe and obey. Thus the family is society in miniature, a state in embryo. Submission to authority should be most thoroughly inculcated in the government of the family.

226. Habits of Industry. An idle citizen is a bad citizen. Idleness is said to be the mother of vice. There is always some mischief for idle hands to do. Indolence is almost sure to lead one into bad habits. Industry is a moral duty. A well-governed family teaches habits of industry. Each member of the family should be taught that he has a duty to perform in working out the problem of existence. The child should learn to labor with mind and hand under the paternal roof. This will fit him to work out the difficult problems of life, sure to confront him, and also prepares him in one of the attributes of good citizenship—industry.

227. Duties of Citizenship. The government of the family, when properly administered, teaches by example all the duties of citizenship. A good parent inculcates in the mind of his child all those duties which he owes to civil authority. Patriotism, and not anarchy, is the result of good family government.

SUGGESTIVE QUESTIONS.

1. Why should the head of a family be an educated person?
2. Is the family a divine or a human institution? Why?
3. Why is the family called the unit of civil government?

4. Is the rite of marriage of divine or human origin? Why?

5. What moral lessons have you learned from your mother?

6. What effect does the life of a father of bad habits have upon his children?

7. Why should a parent educate his children?

8. Why should a child obey his parents?

9. Are children who disobey their parents apt to make good citizens? Why?

10. What are some of the restraints of a well-governed family?

11. Why should a child love and respect his parents?

12. Is it possible that a child can forget the goodness of his mother?

13. Can a child ever repay his parents for their care and protection? How?

14. How can we distinguish a person reared under good family influences from one reared under bad?

15. What are some of the rules of action which should be adopted for the family government?

16. Why is an idle citizen a bad one?

17. Why should all persons be industrious?

18. Why does a good parent inculcate in the mind of his child all the duties which he owes to civil authority?

19. What is patriotism?

20. How does the welfare of all government depend upon the family government?

QUESTION FOR DEBATE.

Resolved, That the cause of temperance has been benefited more by family influence than by that of any other agency.

SUBJECTS FOR ESSAYS.

1. The Family, a Divine and Human Institution.
2. The Family as a Basis of Social Order.
3. The Family and its Individual Members.
4. The Family and Property.
5. The Family as a Social Institution.

CHAPTER IX.

THE SCHOOL.

228. **Necessity of Education.** A noted American once said: "We must educate, we must educate, or we must perish by our own prosperity." This utterance was made by a wise man, who saw that in a republican form of government it is essential that there be a general diffusion of knowledge among the citizens. Self-government is impossible without intelligence. Hence it is the duty of the state to provide for the education of her youths. The system of public schools is maintained for the purpose of preparing the youths of the state for citizenship.

229. **The Second System of Government.** When the child enters the public school he becomes acquainted with his second system of government. The public school is governed by a code of school laws enacted by the state legislature and administered by the school officers and teachers, who stand *in loco parentis*.

230. **School Officers.** The management of the common school system of Washington is entrusted to three classes of officers: (1) District school officers, (2) county school officers, (3) state school officers. The district officers are: (1) Directors, (2) clerk.

The county school officers are: (1) County superintendent, (2) the county treasurer. The state school officers are: (1) The state board of education, (2) the superintendent of public instruction, (3) board of higher education.

SCHOOL DISTRICTS.

231. The Unit of the System. Each county of the state is divided into school districts, designated by numbers. The district is the unit of the common school system.

232. Organization of New Districts. New districts may be organized by the county superintendent upon the petition of at least five heads of families residing within the limits of the proposed new district.

233. Change of District Boundaries. The boundaries of a district may be changed by the county superintendent upon a petition signed by a majority of the heads of families residing in the territory which it is proposed to transfer or include.

234. What is a Common School? A common school as defined by the school law of Washington is a school maintained at public expense in a school district under the supervision of a board of directors.

235. Who are Admitted? All children between the ages of six and twenty-one years, residing in the school district, are admitted to the common school. The board of directors have power to admit non-resident pupils to the school.

236. Branches of Study Taught. The branches of study prescribed for the common school are reading, orthography, penmanship, written and mental arithmetic, geography, English grammar, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics on the human system, history of the United States. The state board of education have power to prescribe other studies. Attention is given to the cultivation of manners, to the laws of health, physical exercises, ventilation and temperature of the school-room, and not less than ten minutes each week to teaching kindness to all living creatures. All branches are taught in the English language.

237. The School Day. The school day is six hours in length, exclusive of any intermission at noon. The board of directors have power to prescribe a shorter school day of not less than four hours. A teacher may dismiss any or all pupils under eight years of age, after an attendance of four hours exclusive of an intermission at noon.

238. Holidays. The public schools are closed on Saturdays and the following legal holidays: Sunday, New Year's Day, Lincoln's Birthday, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Christmas Day, and any day on which a general election is held throughout the state, and any day designated by proclamation of the chief executive as a legal holiday or a day of thanksgiving.

239. The School Month. A school month consists of twenty school days, or four weeks of five days each.

240. The School Year. The school year in Washington begins on the first day of July, and ends on the last day of June.

241. Minimum Length of Term. All districts in the state must maintain school at least three months each year. All graded districts in incorporated cities and towns must maintain school at least six months each school year.

242. Compulsory Attendance. All children between the ages of eight and fifteen years are compelled by law to attend school at least three months in each school year. Parents and guardians, for the violation of this provision of the law, are subject to a fine of not less than ten nor more than twenty-five dollars.

TEACHERS AND PUPILS.

243. Functions of the Teacher. The teacher takes the place of the parent during the hours the child is in attendance at school. The teacher is relieved from the legislative function of government to a great extent by the school laws and the rules and regulations prescribed by the state board of education. He is free, however, to make any rule for the government of the school not conflicting with these rules and regulations or the school law. Next to the parent the influence of the teacher over the child is greater than that of any other person. He should never forget that he is *in loco parentis*. The pupil should also remember it.

244. A Legally Qualified Teacher. A legally qualified teacher is one who holds a certificate to teach, granted by the superintendent of public instruction, or a temporary certificate granted by the county superintendent, or a state certificate, or a life diploma granted by the state board of education.

245. Duties of the Teacher. The duties of the teacher are numerous. Here are some of them, selected from the school law and the rules of the state board of education:

(1) To keep a register and make reports to the county superintendent.

(2) To teach morality and patriotism.

(3) To attend the teachers' institute held in the county.

(4) To follow the prescribed course of study.

(5) To enforce the rules and regulations of the state board.

(6) To be responsible for the care of school property.

(7) To prepare and post conspicuously a programme of daily exercises.

(8) To exercise watchful care over the conduct and habits of the pupils.

(9) To maintain strict order and discipline in the school.

(10) To give vigilant attention to the temperature and ventilation of the school room.

(11) To require regular exercises in composition and declamation.

246. Duties of the Pupils The following duties of the pupils are condensed from the rules prescribed by the state board of education:

(1) To be punctual and regular in attendance at school.

(2) To conform promptly to all rules of the school.

(3) To be diligent in study.

(4) To be respectful and obedient to teachers.

(5) To be kind and obliging to schoolmates.

(6) To go directly home from school as soon as dismissed.

(7) To give attention to personal neatness and cleanliness.

DISTRICT SCHOOL OFFICERS.

247. School Directors. The directors are the executive officers of the district, and have control and management of all its affairs. The board of directors consists of three members elected for three years, one at each annual school election held on the second Saturday in June. The term of office of each director begins on the first Monday in July following his election. School directors serve without compensation.

248. District Clerks. A district clerk is elected in each district at each annual school election. He holds the office one year, beginning on the first Monday in August following his election, and until his successor is elected and qualified. He is secretary of the board of directors and the book-keeper of the

district. His compensation is determined by the board of directors, except for taking the school census, for which he is paid three dollars per day.

GRADED SCHOOLS IN CITIES AND TOWNS.

249. A City or Town Constitutes One District. Each incorporated city or town in the state forms a single school district, and is under the control of one board of directors. The limits may include territory not within the corporate limits of the city or town.

250. Principal of the School. In all city or town districts employing more than one teacher the board of directors elects one of the teachers as principal, who has general supervision over the several departments of the school.

251. City Superintendent. The directors of a city or town district in which two or more schools are maintained elect a city superintendent who may be a teacher in the schools of the district, and who has general supervision over the schools of the district subject to the concurrence of the board of directors.

252. Gradation and Course of Study. The schools of a city or town are graded by the directors as they deem best suited to the conditions of the district. In this gradation the course of study must not be inconsistent with that adopted by the state board of education.

SCHOOLS IN LARGE CITIES.

253. Special City Districts. Cities of ten thousand or more inhabitants can by provision of the school law be organized into special school districts. Three such districts have been formed in the state—Seattle, Tacoma and Spokane.

254. City Board of Education. The board of directors in a special city district consists of five members, and is called the city board of education. They are elected for a term of three years and until their successors are elected and qualified—on the first Saturday of November. Their duties and powers are similar to those of directors of other school districts.

255. Officers of the Board. The officers of the city board of education consist of a president and vice-president, elected from their number, for one year, and a secretary not a member of the board. The board elects its own officers.

256. Duties of the President. The president of the board presides at the meetings of the board and performs such other duties as the board may prescribe.

257. Duties of the Vice-President. The vice-president performs the duties of the president in case of absence or disability of that officer.

258. Duties of the Secretary. The secretary performs the usual duties of such officer, and is the book-keeper and purchasing agent of the district, subject to the authority of the board. The salary of the secretary is determined by the board.

SUPPORT OF THE SCHOOLS.

259. **The State School Fund.** The principal of the state school fund is permanent and irreducible. This fund is derived from the following sources:

- (1) Appropriations and donations by the state.
- (2) Donations and bequests by individuals to the state.
- (3) The proceeds of land and other property which revert to the state by escheat and forfeiture.
- (4) The proceeds of all property granted to the state, when the purpose of the grant is uncertain or not specified.
- (5) Funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law.
- (6) The proceeds of the sale of timber, stone, minerals, or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from trespassing on said lands.
- (7) Five per cent. of the proceeds of the sale of public lands lying within the state, which were sold by the United States subsequent to the admission of the state into the Union in accordance with section fifteen of the enabling act.
- (8) The principal of all funds arising from the sale of lands and other property, which have been or may be granted to the state for the support of common schools.

(9) Such other funds as may be provided by legislative enactments.

260. Available Funds. The current expenses of the schools are paid from the interest accruing on the permanent school fund and all rentals and other revenues derived from lands and other property devoted to the common school fund. The state board of equalization also levy an annual tax of not more than four mills on a dollar of the assessed value of all taxable property. All money paid for fines is also placed to the credit of the school fund by the county treasurer.

261. Special Tax. The board of directors of any district may when necessary levy a special tax of five mills for the purpose of furnishing additional school facilities, and if so ordered by a majority vote of the legal electors of the district, they may levy a special tax not to exceed ten mills on a dollar for school purposes.

COUNTY TREASURER.

262. County Treasurer a School Officer. The county treasurer of each county in the state is *ex officio* treasurer of all the school districts of the county.

COUNTY SUPERINTENDENT.

263. Election and Term of Office. A county superintendent of schools is elected in each county at the general elections. His term of office begins on the second Monday in January following his election and

continues two years, and until his successor is elected and qualified.

264. Powers and Duties. The office of county superintendent is an important and responsible one. Some of his duties are:

(1) To exercise supervision over the schools of the county.

(2) To visit the schools of the county.

(3) To distribute among the districts blank forms for the use of the schools and teachers.

(4) To enforce the course of study and the rules and regulations adopted by the state board of education.

(5) To keep on file in his office the biennial report of the superintendent of public instruction.

(6) To keep a record of all his official acts.

(7) To preserve and transmit to his successor all property belonging to his office.

(8) To administer oaths and affirmations to school officers.

(9) To grant temporary certificates and conduct examinations.

(10) To make an annual report to the superintendent of public instruction.

(11) To keep in his office a transcript of the boundaries of each school district in the county.

(12) To fill vacancies in district school offices by appointment.

(13) To apportion the school funds among the districts.

(14) To hold teachers' institutes.

265. Quarterly Examinations. Examinations of teachers for certificates are held in each county at the county seat, beginning on the second Thursday of February, May, August and November of each year. The examinations are conducted by the county superintendent, and he may appoint a suitable teacher or teachers to assist or conduct the same, subject to the same laws, rules and regulations as himself. The rules for conducting the examinations are prescribed by the state board of education, and no question can be used in the examination except those furnished by the state board.

266. Grades of Common School Certificates. Three grades of common school certificates are granted: First grade certificates entitle the holder to teach any public school in the state, and are valid five years; second grade, two years; third grade, one year.

267. Requirements for a Common School Certificate. The requirements for a common school certificate are: (1) The applicant must be at least seventeen years of age. (2) Pass a satisfactory examination in reading, orthography, penmanship, written and mental arithmetic, geography, English grammar, physiology and hygiene, history and constitution of the United States, school law and constitution of the state of Washington, and the theory and art of teaching. In addition to these branches an applicant for a first grade certificate must pass a satisfactory examination in physics, English literature and algebra, and have taught nine months successfully.

268. **Teachers' Institute.** The law requires the county superintendent in any county of twenty-five or more districts to hold a teachers' institute of not less than three days' session. In a county of fewer than twenty-five districts the county superintendent may, in his discretion, hold an institute. All teachers employed in the public schools of the county are compelled to attend the institute, and are allowed their salary for the days so spent. The expenses of the institute must not exceed two hundred dollars in excess of the amount received as examination fees, allowed by the county commissioners upon proper vouchers.

STATE BOARD OF EDUCATION.

269. **Of Whom Composed.** The state board of education consists of four members at least, two of whom are teachers in the common schools of the state. The members are appointed by the governor, and the appointments are confirmed by the senate. The superintendent of public instruction is *ex officio* president of the state board of education.

270. **Term of Office.** The members of the state board hold the office for a term of two years from the first Monday in March next following their appointment, and until their successors are appointed and qualified.

271. **Meetings.** The annual meetings of the state board are held in Olympia on the first Tuesday in June. Special meetings may be held by call of the superintendent of public instruction.

272. Expenses. The members of the state board are each paid his expenses in attending the meetings, provided the expense of the whole board shall not exceed one thousand dollars per annum.

273. Powers and Duties. The state board have power, and it is their duty—

- (1) To adopt a uniform series of text books
- (2) To prepare a course of study for the schools.
- (3) To use a common seal and elect one of their number secretary.
- (4) To sit as a board of examiners.
- (5) To prepare all questions for the examination of teachers.

274. Secretary of the State Board. The secretary of the state board is the proper custodian of the seal. It is his duty to keep a correct record of all the proceedings of the board and file a certified copy of the same in the office of the superintendent of public instruction.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

275. Election and Term of Office. The superintendent of public instruction is elected at the general election of state officers. His term of office is four years. His salary is twenty-five hundred dollars per annum, and a sum for traveling expenses not to exceed eight hundred dollars per annum. He may also employ a stenographer and a deputy at an expense not to exceed twenty-five hundred dollars per annum.

276. **Powers and Duties.** The powers and duties of the superintendent of public instruction are:

(1) To have supervision over all the public schools of the state.

(2) To make a biennial report to the governor.

(3) To prepare the necessary blank forms for the schools and school officers.

(4) To visit schools and address public assemblies on subjects pertaining to the public schools.

(5) To cause the school laws to be printed and distributed among school officers.

(6) To be *ex officio* president of the state board of education.

(7) To hold biennially a convention of county superintendents.

(8) To apportion the state school funds.

(9) To require reports from state and private schools.

(10) To keep a directory of all school officers and teachers of the state.

(11) To have his office in Olympia.

(12) To file all papers, records and reports pertaining to the state school system in the archives of his office.

(13) To decide points of law submitted to him in writing by county superintendents, and publish his rulings and decisions for the information of school officers and teachers.

(14) To deliver to his successor all property belonging to his office.

(15) To grade examination papers and issue certificates.

SUGGESTIVE QUESTIONS.

1. Why is education so necessary in this country?
2. Can the nation continue free without the influence of education?
3. What is the meaning of the phrase *in loco parentis*?
4. Should the state maintain high schools? Why?
5. Why not leave the education of children entirely to private schools?
6. What school officer do you regard as the most important? Why?
7. Why are the public schools called "common schools"?
8. Why is the district called the "unit" of the system?
9. Is it right not to admit children to the public schools until they are six years of age?
10. Should children be instructed before they are six years old? If so, by whom?
11. Why does the law prohibit the use of any language but the English in the public schools? Is it just? Why?
12. Why does the law require special attention to the teaching of the "effects of alcoholic stimulants and narcotics on the human system"? The "cultivation of manners"? The "laws of health"? "Physical exercises"? "Ventilation and temperature of the school room"?
13. Should the length of the school day be less than six hours? Why?

14. Why should pupils under eight years of age be dismissed after an attendance of four hours?

15. What is the object of beginning the school year on the first day of July?

16. Why does not the law place the minimum term in a year the same for both graded and ungraded schools?

17. Are districts in cities and towns entitled to longer terms of school than those of the country? Why?

18. Is compulsory attendance right? Why?

19. Why should compulsory attendance be limited to pupils between the ages of eight and fifteen years?

20. Under what circumstances should the teacher make rules in addition to those prescribed by law for the government of the school?

21. Are not the rules and regulations prescribed by the state board of education for the government of teachers and pupils sufficient under all circumstances? If not, give an instance.

22. Why should the law require the teacher to hold a certificate?

23. Of what benefit are school records?

24. In what way should a teacher teach morality?

25. Should the teacher be held responsible for the care of school property?

26. Should not the pupil share the responsibility?

27. Of what use is a programme of daily exercises?

28. Why are order and discipline necessary in a school?

29. Why should the air of a school room be frequently changed?

30. Should parents ever dictate what studies their children should pursue?

31. Why should pupils be drilled in composition and declamation?

32. Why should a pupil be punctual and regular in attendance?

33. Why is loitering on the way to and from school a bad habit?

34. Why is election day made a holiday for the pupils of the public schools?

35. Should directors receive compensation for their services? Why?

36. Why are citizens usually so anxious to hold the office of school director?

37. Should the directors have power to grade the school? Why?

38. What is the difference between the offices of principal and city superintendent?

39. Is the provision that the principal of the state school fund shall remain permanent and irreducible a wise one? Why?

40. What is meant by "school lands"?

41. Can the schools of Washington ever be maintained without a tax? If so, how?

42. What qualifications should a county superintendent possess?

43. Why should the teacher be examined in the school law and the state constitution?

44. Of what use are school statistics?

45. Is that a good provision of the law which requires the teacher to attend the institute? Why?

46. Of what benefit are teachers' institutes?

47. What benefit is derived by the use of a uniform course of study in the common schools of the state?

48. What qualifications should members of the state board of education possess?

49. What qualifications should the superintendent of public instruction possess?

QUESTIONS FOR DEBATE.

1. *Resolved*, That the wealthy districts should be required by law to help support the poorer ones.

2. *Resolved*, That a man should be taxed for the support of the public schools, whether he has children to educate or not.

3. *Resolved*, That all school officers should be elected at special school elections and be kept entirely free from all political parties.

SUBJECTS FOR ESSAYS.

1. The Necessity of Education.
2. Public Schools *vs.* Private Schools.
3. The Advantages of the Graded Schools.
4. Advantages of the Country Schools.
5. The Necessity for Public High Schools.
6. The Duties of Pupils.
7. The Flag of the Union Waving Over the School House.

CHAPTER X.

CITIES AND TOWNS.

277. What Are Cities and Towns? The inhabitants of the state have their homes either on large tracts of land, called farms, or on small lots which are situated near one another and form a hamlet, a village, a town, or a city. Those living on the farm are usually engaged in agriculture, and are called farmers, or country people. Those living in the town are engaged in the various occupations, and are called town people. The word hamlet means a little home. It is a small village. A village is a small collection of houses. A town is a large collection of houses. A city is a large town incorporated with certain governmental privileges. The government of cities and towns is now to be considered.

278. Classification. The municipal corporations of the state of Washington are divided into cities and towns. Cities are divided into three classes—first, second, and third. First-class cities are those of more than twenty thousand inhabitants. Second-class cities are those whose number of inhabitants is between ten and twenty thousand. Third-class cities are those whose number of inhabitants is between fifteen hundred and ten thousand. The fourth class numbers between

three hundred and fifteen hundred inhabitants. A corporation of the fourth class is called a town.

279. Number and Names. The records in the office of the secretary of state contained the following list of cities and towns in Washington on January 1, 1897:

Three first-class cities—Seattle, Tacoma and Spokane.

There are no second-class cities in the state.

Twenty-one third-class cities—Roslyn, Centralia, New Whatcom, Aberdeen, Fairhaven, Port Angeles, Snohomish, Chehalis, Port Townsend, Olympia, Sprague, Colfax, Blaine, Palouse City, South Bend, Dayton, Everett, Ellensburg, North Yakima, Vancouver and Walla Walla.

Sixty-two towns or fourth-class cities—Ballard, Wynooche, Orting, Winlock, Elma, Pullman, Cosmopolis, Farmington, Waterville, Tekoa, La Conner, Ross Park, Oakdale, Colton, Kelso, Hoquiam, Uniontown, Shelton, Steilacoom, Denver, Buckley, Kent, Colville, Davenport, Rockford, Medical Lake, Castle Rock, Garfield, Asotin, Mount Vernon, Kalama, Ritzville, Wilbur, Edmunds, Puyallup, Spangle, Sidney, Tumwater, Ilwaco, Sumner, Montesano, Lynden, Hamilton, Sedro, Marysville, Woolley, Anacortes, Auburn, Sumas, Ocosta, Pasco, Kettle Falls, Latah, Pataha City, Gillman, Toledo, Columbia, Port Orchard, Rosalie, Hillyard, Yakima and Elberton.

280. Charter Cities. Any city of the state having a population of twenty thousand or more may frame

a charter for its own government. A charter is similar to a written constitution. It is framed by fifteen freeholders, residents of the city, elected by the legal voters. After the charter is made and adopted by the fifteen freeholders it is submitted to the legal voters of the city, and, if a majority favor its adoption, the charter becomes the constitution of the city.

281. Powers. The powers of cities of the first class are numerous, thirty-eight being stipulated in the political statutes of the state. The various interests in the government of cities of the first class make it the most complicated branch of government and the most difficult to administer.

282. Governmental Functions. Cities possess the three functions belonging to all systems of civil government—the legislative, the executive and the judicial. The legislative function of charter cities is vested in a city council, consisting sometimes of one, and sometimes of two bodies, as provided in the charter. The executive function is vested in the mayor and such other officers as the charter may provide. The judicial function is vested in the police courts, as provided by the charter. Each of the three first-class cities of the state has its own charter, and a complete study of them cannot be presented here for lack of space. The student residing in any of these cities should procure a copy of the city charter, if possible, and study it in connection with this chapter.

GOVERNMENT OF CITIES OF THE SECOND,
THIRD, AND FOURTH CLASSES.

283. Division of Cities. Cities are divided into wards, and the wards into voting precincts.

284. City Officers. The officers of a city of the second class are mayor, collector and street commissioner, assessor, treasurer, city clerk, police judge, city attorney, chief of police, and twelve councilmen.

The officers of a city of the third class are mayor, treasurer, city attorney, clerk, marshal, assessor, health officer, and seven councilmen.

The officers of a town are mayor, clerk, who acts also as assessor and treasurer; marshal, who is also tax and license collector; police justice, and five councilmen. The statutes also provide for other city officers when needed, such as city surveyor, harbor master, pound keeper, etc.

285. Municipal Elections. City elections are held annually on the first Tuesday after the first Monday of December. All city officers are elected for a term of one year, except the councilmen, who are elected for two years. The salaries of city officers are determined by the city council, subject to certain statutory limitations.

LEGISLATIVE DEPARTMENT.

286. City Council. The legislative department of the city consists of the mayor and councilmen. A

majority of the councilmen constitute a quorum for the transaction of business. The mayor is *ex officio* member of the city council, and has a vote only in case of a tie in the votes of the other members.

287. City Laws. City laws are called ordinances.

288. Powers of the Council. The city council has power to make and pass all by-laws, ordinances, orders and resolutions not repugnant to the constitution and laws of the United States or the state of Washington, necessary for the municipal government and management of the affairs of the city.

EXECUTIVE DEPARTMENT.

289. Executive Officers. The executive officers of a city consist of the mayor, president of the council, chief of police, city attorney, city assessor, city clerk, city collector and street commissioner.

DUTIES OF OFFICERS.

290. The Mayor. The mayor is the chief executive officer of the city, and bears the same relation to the city that the governor does to the state. The mayor presides over the meetings of the city council and has general supervision over the several departments of the city government. He recommends to the city council such measures as he may deem expedient for the public good or improvement of the city, its finances or government.

291. The President of the Council. The city council elects one of their number as president to preside in the absence or disability of the mayor, in which cases all the duties of the mayor are performed by the president of the council.

292. The Treasurer. It is the duty of the city treasurer to receive and safely keep all moneys belonging to the city and place the same to the credit of the several funds to which they properly belong, and disburse city money by the direction of the city council.

293. The City Clerk. It is the duty of the city clerk to keep the corporate seal and all papers and documents belonging to the city. He must attend the meetings of the city council and keep a journal of their proceedings. He makes a record of all by-laws, resolutions and ordinances, signs all warrants and licenses issued in pursuance of the orders and ordinances of the city council, keeps an accurate account of expenditures of all orders drawn upon the city treasurer, and performs such other duties as may be required by the statutes of the state and by city ordinances. He is the city book-keeper.

294. The City Assessor.* It is the duty of the city assessor to make the assessments of persons and property in the city, as required by the statutes of the state.

295. The Collector and Street Commissioner. The city collector and street commissioner collects all taxes,

*In third and fourth-class cities the duties of city assessor are performed by the city clerk.

assessments, licenses, wharfage rates, etc., and pays the same to the city treasurer. He has charge of the streets, sidewalks, public buildings, etc., of the city.

296. Police. The police force of a city or town consists of the chief of police or marshal, and such number of policemen as may be determined by the city council. The head of the police force in first and second-class cities is called chief of the police; in third and fourth-class cities, marshal.

JUDICIAL DEPARTMENT.

297. Police Court. The statutes of the state make provision for the establishing of police courts in every city and town in the state. The jurisdiction of the police court extends over all the public offenses committed within the city as prescribed in the statutes in which they are enumerated under charters of cities of the second class.

298. Police Justice. The police justice of a city or town is elected by the legal voters of the corporation, and may be selected from the justices of the peace duly elected in the precinct under the laws of the state. He has jurisdiction over all offenses defined by any ordinance of the city or town, and all actions brought to enforce or recover any penalty forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith.

299. Prosecuting Attorney. The city attorney is the prosecuting attorney for all cases before the police court and on appeal therefrom to the superior court, except that the county prosecuting attorney conducts all proceedings of the nature of a preliminary examination before the police court.

300. Chief of Police or Marshal. The chief of police or marshal of a city or town has the same power as a peace officer of the city as that conferred upon sheriffs by the laws of the state, and is entitled to the same protection in the discharge of his duties. In third and fourth-class cities it is the duty of the marshal to prosecute before the police justice all breaches or violations of or non-compliance with any city ordinance which comes to his knowledge.

SUGGESTIVE QUESTIONS.

1. Where do you prefer to have your home—in a city or town, or in the country? Why?

2. What advantages has one residing in a city? in the country?

3. Why are cities and towns classified?

4. Is the present classification a good one? Why?

5. If you live in a city, of what class is it? Write a short essay on its government.

6. Give the origin and signification of the names of the cities and towns of Washington as far as you can.

7. Why is the government of cities the most complicated system? Who are freeholders?

8. What legislation is required in the government of cities that is not required in the country? Name as many such laws as you can.

9. Why are cities divided into wards? Why are wards divided into precincts?

10. Is it wise to limit the term of city officers to one year?

11. Why should councilmen be elected for two years?

12. What should be the qualifications of each city officer?

QUESTIONS FOR DEBATE.

1. *Resolved*, That the city council should consist of only one body.

2. *Resolved*, That the mayor of a city should be deprived of the veto power.

SUBJECTS FOR ESSAYS.

1. The Advantages of City Life.
2. The Advantages of Country Life.
3. A Good System of Municipal Government.

CHAPTER XI.

THE COUNTY.

301. The County. The state of Washington is divided into thirty-four political divisions called counties, each of which has its own local government, subordinate to the government of the state.

302. Formation of New Counties. New counties may be formed by dividing the territory of one or more old ones. The new county must contain at least two thousand inhabitants, and no division of any existing county can be made which reduces the number of its inhabitants to less than four thousand.

303. The County Seat. The capital of a county is called the county seat, in which are located the court house and county offices and other county buildings. All public records of the county are kept at the county seat, and all official county business is transacted there.

304. Names of the Counties. The following table contains the names, with their signification, and the county seats of all the counties:

NAME.	SIGNIFICATION OF THE NAME.	COUNTY SEAT.
1. Adams.....	In honor of President Adams.....	Ritzville.
2. Asotin.....	Indian word " <i>bashtin</i> ," meaning an " <i>eel</i> ".....	Asotin.
3. Chehalis.....	Indian word meaning " <i>Sand</i> ".....	Montesano.
4. Clallam.....	Indian word meaning " <i>Clam</i> ".....	Port Angeles.
5. Clarke.....	In honor of Captain Clarke, the explorer.....	Vancouver.
6. Columbia.....	After the great river.....	Dayton.

NAME.	SIGNIFICATION OF THE NAME.	COUNTY SEAT.
7. Cowlitz.....	Name of an Indian tribe.....	Kalama.
8. Douglas.....	In honor of Stephen A. Douglas.....	Waterville.
9. Franklin.....	In honor of Benjamin Franklin.....	Pasco.
10. Garfield.....	In honor of President James A. Garfield.....	Pomeroy.
11. Island.....	Composed of five islands.....	Coupeville.
12. Jefferson.....	In honor of President Thomas Jefferson.....	Port Townsend.
13. King.....	In honor of Vice-President Rufus King.....	Seattle.
14. Kitsap.....	In honor of the Indian chief Kitsap.....	Sidney.
15. Kittitas.....	Ellensburg.
16. Klickitat.....	Indian word meaning " <i>The Robbers</i> "—a tribe.....	Goldendale.
17. Lewis.....	In honor of Captain Lewis, the explorer.....	Chehalis.
18. Lincoln.....	In honor of President Abraham Lincoln.....	Davenport.
19. Mason.....	In honor of the first territorial secretary.....	Shelton.
20. Okanogan.....	After the river of this name.....	Conconully.
21. Pacific.....	Borders on the Pacific Ocean.....	South Bend.
22. Pierce.....	In honor of President Franklin Pierce.....	Tacoma.
23. San Juan.....	For the largest island of the group.....	Friday Harbor.
24. Skagit.....	Name of an Indian tribe.....	Mount Vernon.
25. Skamania.....	Cascades.
26. Snohomish.....	Name of an Indian tribe.....	Everett.
27. Spokane.....	Indian word meaning " <i>Sun</i> ".....	Spokane.
28. Stevens.....	In honor of Governor Isaac I. Stevens.....	Colville.
29. Thurston.....	In honor of Samuel R. Thurston.....	Olympia.
30. Wahkiakum.....	Indian word meaning " <i>large, tall trees</i> ".....	Cathlamet.
31. Walla Walla.....	Indian word meaning " <i>running water</i> ".....	Walla Walla.
32. Whatcom.....	New Whatcom.
33. Whitman.....	In honor of Dr. Whitman, the missionary.....	Colfax.
34. Yakima.....	Indian word meaning the " <i>Black Bears</i> ".....	North Yakima.

305. Divisions of the County. Each county is divided into three commissioner districts, each consisting of two or more voting precincts. Each commissioner district is divided into road districts, over which the commissioner for that district exercises supervision. The division of the county into school districts has been already treated.

306. County Officers. The government of the county is administered by the county officers, of which the following is a list: Sheriff, clerk, auditor, treasurer, prosecuting attorney, assessor, superintendent of schools, surveyor, coroner, and three commissioners.

307. Offices Combined. In counties having a population of three thousand, or less, the county commissioners may combine two or more offices, the duties of which do not conflict, and one person may be elected to fill the combined offices.

308. Precinct Officers. The precinct officers are justices of the peace, constables, road overseers, and inspectors, judges and clerks of the election.

309. Election and Term of Office. The precinct, district and county officers are elected at the general elections for a term of two years and until their successors are duly elected and qualified. Their term of office begins on the first Monday in January next following the day of election. The county commissioners are elected for terms of two and four years, the commissioner for the long term being elected successively from the three districts in each county in their numerical order, beginning with district number one. A county officer is not eligible to hold his office more than two terms in succession. The inspectors and judges of the election are appointed by the county commissioners. The clerks of the election are appointed by the inspector and judges.

310. Salaries of County Officers. The salaries of county and precinct officers vary in the several counties, which are classified by the statutes of the state according to population.

DUTIES OF COUNTY OFFICERS.

311. The Sheriff. It is the duty of the sheriff to keep and preserve the peace, to suppress affrays,

riots, unlawful assemblies and insurrections which may occur within the county, and serve processes and arrest and secure criminals for offenses committed within the county.

312. The Clerk. The county clerk is the clerical officer of the superior court of the county, and it is his duty to record in suitable books, provided for the purpose, all the proceedings of the court. It is also his duty to file all papers legally placed in his care, and he is made responsible by law for the safe keeping of all books and papers belonging to his office.

313. The Auditor. The auditor is the county book-keeper, and his duties are various and numerous. He acts as clerk of the board of county commissioners, and keeps a careful record of all their proceedings. He audits all claims against the county, examines all accounts of persons indebted to the county, keeps an account with the county treasurer, publishes an annual exhibit of county finances, makes a certified copy of the register of county warrants and delivers it to the treasurer, examines the books of the treasurer, records all deeds, grants, transfers, and mortgages of real estate and other legal documents necessary to be placed on record.

314. The Treasurer. The county treasurer is the proper custodian of all the funds belonging to the county. He receives all moneys due the county, and disburses the same on the proper orders issued and attested by the county auditor. The treasurer is the tax collector.

315. The Prosecuting Attorney. The prosecuting attorney is the legal adviser of the board of county commissioners. He prosecutes all criminal and civil actions in which the state or his county may be a party, defends all suits brought against the state or his county, and is the legal adviser of all county and precinct officers. It is also the duty of the prosecuting attorney to examine the official bonds of all county and precinct officers and report any defects in them to the county commissioners. He must also once a year examine the books and public records of the auditor, assessor, treasurer, sheriff, and superintendent of schools, and report their condition to the county commissioners.

316. The Assessor. It is the duty of the county assessor to list and place a valuation, for the purposes of taxation, upon all real and personal property subject to taxation within the county. It is also his duty to make biennially a census list of all the inhabitants of the county.

317. County Superintendent of Schools. The duties of this officer have been given in a preceding chapter.

318. The Surveyor. It is the duty of the county surveyor to make any survey in the county which may be required by the court or upon application of any person or corporation. He must keep a correct record of all surveys made by him, and carefully preserve all plats and field notes in his office.

319. The Coroner. It is the duty of the county coroner, when informed of the sudden death of a person, or that a body of any person, the cause of whose death is unknown has been discovered, to go to the place where the body is and summon a jury of six legally qualified persons to inquire into the cause of the death. This proceeding is usually called a "coroner's inquest."

320. The County Commissioners. The county commissioners are the executive officers of the county government. They have a general supervision over all the affairs of the county. Their duties are numerous. The following will give the students an idea of the functions of these officers. It is the duty of the county commissioners—

(1) To provide for the erection and repairing of court houses, jails and other county buildings.

(2) To lay out, discontinue, or change county roads and highways.

(3) To grant such licenses as are authorized by law.

(4) To fix the amount of county taxes to be assessed according to law, and cause the same to be collected.

(5) To allow all accounts legally chargeable against the county not otherwise provided for.

(6) To audit the accounts of all officers having the care, management, collection and disbursement of any money belonging to the county.

(7) To have the care of the county property, and many other duties.

321. Justices of the Peace. The justices of the peace exercise the judicial functions of the government of the precinct. Each precinct has one justice of the peace, and, when necessary, the county commissioners may authorize the election of one additional justice of the peace in any precinct.

322. Constables. In each precinct there are elected as many constables as there are justices of the peace. It is the duty of a constable to serve any writ, process, or order lawfully directed to him by any justice of the peace, judge of the superior court or coroner of the county.

323. Road Overseers. The road overseers have the following duties to perform:

(1) To take charge of the highways within their respective districts.

(2) To keep the roads clear of obstructions and in good repair.

(3) To employ laborers and oversee their work upon the roads.

(4) To destroy, at least once a year, all Canada thistles growing on the public highways of their districts.

(5) To cause banks to be graded.

(6) To make quarterly reports of all matters pertaining to their respective districts.

The compensation of a road overseer consists of fifteen per cent. of moneys collected by him for road poll tax, and a sum not to exceed two dollars and fifty cents per day for services performed on the roads.

SUGGESTIVE QUESTIONS.

1. Why is the state divided into counties?
2. What is the origin of the name "county"?
3. Are any of the counties of Washington too large in area? Too small? Give reasons for your answers.
4. Describe the court house of your own county.
5. What other public buildings are in your county?
6. What do the names of the counties of the state suggest?
7. Nearly all the states of the Union have a "Washington County"; why has this state none of that name?
8. What counties have Indian names? What Spanish?
9. Why are counties divided into commissioner districts?
10. Could the official business of the county be transacted by fewer officers?
11. Are any of the offices combined in your county? What ones?
12. Name the present officers of your county.
13. Name the present officers of your precinct.
14. What is the object of electing one commissioner for a long term?
15. What salary does each of the officers of your county and precinct receive?
16. What qualifications should a sheriff possess?
17. What should be the qualifications of a county clerk?

18. Should the county auditor be given so many duties?

19. What is the chief qualification of a good treasurer?

20. Can the office of prosecuting attorney be filled by any citizen of the county?

21. What qualification should the prosecuting attorney possess, not needed by other county officers?

22. Should the assessor be a man of good judgment of the valuation of property? If he does not possess this qualification, what is the remedy for his mistakes?

23. What are the qualifications of a good surveyor?

24. To what profession do the coroners usually elected belong? Why?

25. Why is the chief executive function of the county government vested in three men instead of one?

26. Should a man not familiar with law and its processes be elected justice of the peace?

27. Should a man be elected to any office because he desires the office, or because of his fitness to fill it?

QUESTION FOR DEBATE.

Resolved, That the duties of the county auditor should be divided between two officers—an auditor and a recorder.

SUBJECTS FOR ESSAYS.

I. The Origin of the Division of States into Counties.

2. A Good System of County Government.
3. The Qualifications Necessary for Good County Officers.
4. How to Prevent "Court House Rings."
5. The Best Division of Counties for the Purposes of Local Government.
6. The Division of the Counties of the State of Washington into Townships.
7. The Importance of Good County Roads.
8. Appropriateness of the Names of the Counties of the State of Washington.
9. In County Government, "The Office should seek the Man, and not the Man the Office."

CHAPTER XII.

THE STATE.

324. **The State Government.** The government of the state of Washington, like all other systems of civil government, is vested in three departments—the legislative, the executive, and the judicial, the functions of which are set forth in the constitution of the state, printed in the supplement of this chapter.

THE LEGISLATIVE DEPARTMENT.

325. **The Law Makers.** The legislative function of the government of Washington is vested in "The Legislature of the State of Washington," composed of a senate and house of representatives.

326. **Number of Members.** The house of representatives is composed of not less than sixty-three nor more than ninety-nine members. The senate is composed of not less than one-third nor more than one-half of the number of representatives. The fifth legislature, session of 1897, was composed of 78 representatives and 34 senators.

327. **Legislative Districts.** The state at present is divided into forty-nine representative districts and into thirty-four senatorial districts. These divisions are made according to the population at stated periods,

beginning in 1895, and every ten years thereafter. For the first legislative apportionment see article XXII of the state constitution in the supplement:

NOTE—Each senatorial district is entitled to one senator.

SENATORIAL DISTRICTS.

NO. OF DISTRICT.	OF WHAT TERRITORY COMPOSED.
1.	Lincoln and Okanogan Counties.
2.	Stevens and part of Spokane Counties.
3.	Part of Spokane County.
4.	Part of Spokane County.
5.	Part of Spokane County.
6.	Part of Whitman County.
7.	Part of Whitman County.
8.	Garfield, Asotin, and Columbia Counties.
9.	Franklin, Adams, and part of Walla Walla County.
10.	Part of Walla Walla County.
11.	Douglas and Kittitas Counties.
12.	Yakima and Klickitat Counties.
13.	Clarke and Skamania Counties.
14.	Cowlitz, Wahkiakum, and Pacific Counties.
15.	Lewis County.
16.	Chehalis County.
17.	Mason, Kitsap, and Island Counties.
18.	Thurston County.
19.	Part of Pierce County.
20.	Part of Pierce County.
21.	Part of Pierce County.
22.	Part of Pierce County.

NO. OF
DISTRICT. OF WHAT TERRITORY COMPOSED.

23. Part of Pierce County.
24. Part of King County.
25. Part of King County.
26. Part of King County.
27. Part of King County.
28. Part of King County.
29. Part of King County.
30. Jefferson and Clallam Counties.
31. Snohomish County.
32. Skagit and San Juan Counties.
33. Part of Whatcom County.
34. Part of Whatcom County.

REPRESENTATIVE DISTRICTS.

NOTE—The figures in the right hand column represent the number of representatives to which each district is entitled.

NO. OF DISTRICT.	OF WHAT TERRITORY COMPOSED.					R.
1.	Stevens County	-	-	-	-	1
2.	Part of Spokane County	-	-	-	-	1
3.	Part of Spokane County	-	-	-	-	2
4.	Part of Spokane County	-	-	-	-	3
5.	Part of Spokane County	-	-	-	-	2
6.	Part of Whitman County	-	-	-	-	2
7.	Part of Whitman County	-	-	-	-	2
8.	Asotin County	-	-	-	-	1
9.	Garfield County	-	-	-	-	1
10.	Columbia County	-	-	-	-	1
11.	Part of Walla Walla County	-	-	-	-	1

NO. OF DISTRICT.	OF WHAT TERRITORY COMPOSED.					R.
12.	Part of Walla Walla County	-	-	-	-	1
13.	Franklin County	-	-	-	-	1
14.	Adams County	-	-	-	-	1
15.	Lincoln County	-	-	-	-	2
16.	Okanogan County	-	-	-	-	1
17.	Douglas County	-	-	-	-	1
18.	Kittitas County	-	-	-	-	2
19.	Yakima County	-	-	-	-	1
20.	Klickitat County	-	-	-	-	1
21.	Skamania County	-	-	-	-	1
22.	Clarke County	-	-	-	-	2
23.	Cowlitz County	-	-	-	-	1
24.	Wahkiakum County	-	-	-	-	1
25.	Pacific County	-	-	-	-	1
26.	Lewis County	-	-	-	-	2
27.	Thurston County	-	-	-	-	2
28.	Chehalis County	-	-	-	-	2
29.	Mason County	-	-	-	-	1
30.	Kitsap County	-	-	-	-	1
31.	Jefferson County	-	-	-	-	2
32.	Clallam County	-	-	-	-	1
33.	Part of Pierce County	-	-	-	-	2
34.	Part of Pierce County	-	-	-	-	2
35.	Part of Pierce County	-	-	-	-	2
36.	Part of Pierce County	-	-	-	-	2
37.	Part of Pierce County	-	-	-	-	2
38.	Part of King County	-	-	-	-	2
39.	Part of King County	-	-	-	-	2
40.	Part of King County	-	-	-	-	2

NO. OF DISTRICT.	OF WHAT TERRITORY COMPOSED.					R.
41.	Part of King County	-	-	-	-	2
42.	Part of King County	-	-	-	-	2
43.	Part of King County	-	-	-	-	3
44.	Snohomish County	-	-	-	-	2
45.	Island County	-	-	-	-	1
46.	Skagit County	-	-	-	-	2
47.	San Juan County	-	-	-	-	1
48.	Part of Whatcom County	-	-	-	-	2
49.	Part of Whatcom County	-	-	-	-	2
Total						<hr/> 78

328. Election and Term of Office. Representatives are elected biennially at the general election held on the first Tuesday after the first Monday in November. The term of office is two years. Senators are elected at the same time as representatives for a term of four years, one-half of their number retiring every two years.

329. Qualifications of Members. A member of the legislature must be a citizen of the United States and a legal voter in the district for which he is chosen.

330. Quorum. A majority of the members of each branch of the legislature constitutes a quorum for the transaction of business; but a smaller number may adjourn from day to day and may compel the attendance of absent members.

331. Sessions. The legislature meets on the second Monday in January next following the general election day. The length of the sessions shall not exceed sixty days.

332. Compensation. Each member of the legislature is paid five dollars for each day's attendance during the session and ten cents for every mile traveled in going to and returning from Olympia.

333. Powers and Duties of each House. Each house determines its own rules, elects its own officers, and keeps a journal of its proceedings.

334. President of the Senate. The lieutenant-governor is the proper presiding officer of the senate; but when he is absent or acting as governor, the senate is presided over by a temporary president chosen by the members.

335. How Laws are Made. The statutory laws of the state are made by the introduction of what are called bills, which may originate in either house, but must be approved by both houses and signed by the presiding officer of each and finally receive the governor's signature. If the governor refuses to sign the bill, it may be passed over his veto by a two-thirds vote of the members of both houses. The style of the state law is, "Be it enacted by the legislature of the state of Washington." No bill shall embrace more than one subject and that must be expressed in the title.

NOTE—For special legislation, prohibitions and other important matters in regard to the legislative department, see the constitution in the supplement.

THE EXECUTIVE DEPARTMENT.

336. State Officers. The executive functions of the state government are administered by the following list

of state officers: Governor, lieutenant-governor, secretary of state, treasurer, auditor, attorney-general, superintendent of public instruction, commissioner of public lands, and state printer.

337. Election and Term of Office. All state officers are elected for a term of four years beginning on Wednesday after the second Monday in January next after their election, which is upon the same day as the election held for President of the United States, except that the term of office of the state printer begins on the first day of July next after his election.

338. Salaries of State Officers.

Governor, - - - - -	\$4,000
Lieutenant-Governor, - - - - -	1,000
Secretary of State, - - - - -	2,500
Auditor, - - - - -	2,000
Treasurer, - - - - -	2,000
Attorney-General, - - - - -	2,000
Superintendent of Public Instruction, - - - - -	2,500
Commissioner of Public Lands, - - - - -	2,000

POWERS AND DUTIES OF STATE OFFICERS.

339. The Governor. In addition to those prescribed in the constitution the following powers and duties of the governor may be mentioned:

(1) To supervise the conduct of all executive officers.

(2) To see that all offices are filled and the duties thereof performed.

(3) To make all appointments required by the constitution and the laws.

(4) To be the medium of communication between the government of the state and that of any other state or territory, or of the United States.

(5) To issue and transmit necessary proclamations. And many other powers and duties prescribed by the statutes.

340. The Lieutenant-Governor. The lieutenant-governor is the presiding officer of the senate and acts as governor in the absence or disability of that officer.

341. The Secretary of State. The secretary of state is the custodian of:

(1) All acts and resolutions passed by the legislature.

(2) The journals of the legislature.

(3) The seal of the state.

(4) All books and documents required to be deposited in his office by law.

(5) The enrolled copy of the state constitution.

It is his duty:

(1) To keep a register of and attest the official acts of the governor.

(2) To affix the seal to all official documents issued by the governor.

(3) To record documents filed for that purpose in his office.

(4) To receive and file official bonds of officers.

(5) To file receipts for books sent from his office.

(6) To certify to the governor and legislature the returns for the election of officers.

And many other important duties. He is the chief clerical officer of the state.

342. The Auditor. The auditor is the accountant of the state and the keeper of public documents. It is his duty to report to the legislature at the beginning of each biennial session a full account of the financial condition of the state. He audits and settles claims against the state, draws warrants upon the treasury, keeps a register of all warrants issued, examines and settles the accounts of persons indebted to the state, keeps an account between the state and the state treasurer, and many other duties too numerous to mention here. This is a very important office and requires a careful and responsible man to fill it well.

343. The Treasurer. The duties of the state treasurer are:

(1) To receive and safely keep the funds of the state.

(2) To pay out the state funds upon proper warrants issued by the state auditor.

(3) To keep a correct account of all moneys received and disbursed by him.

(4) To keep an accurate account of all appropriations made by law.

(5) To render his accounts to the state auditor.

(6) To indorse each state warrant presented for payment and not paid for lack of funds.

(7) To report to the legislature the condition of the treasury.

344. The Attorney-General. The attorney-general is the legal adviser of the state officers. He prepares contracts and other documents relating to subjects in which the state is interested. It is his duty to give a written opinion to the members of the legislature and the state officers, when so requested, upon constitutional and legal questions.

345. The Superintendent of Public Instruction. The duties of this officer have been given in the chapter on the school.

346. The Commissioner of Public Lands. The commissioner of public lands has general supervision and control of all the public lands of the state.

347. The State Printer. The state printer prints the laws, the journals of the legislature and all reports of state institutions and all the necessary blanks required by the state officers and state institutions, subject to the restrictions of the state printing board.

348. Appointed State Officers. There are many appointed state officers and state boards. The mining bureau consists of the governor, the lieutenant-governor and state treasurer. They appoint the state geologist. The governor appoints other officers and boards, such as notaries public, state board of education, regents of the university, regents of the agricultural college, trustees of the normal schools, trustees of the reform school, directors of the penitentiary, trustees of the insane asylums, the state librarian and many others.

THE JUDICIAL DEPARTMENT.

349. The Courts. The judicial functions of the state government consist of the supreme court, the superior courts of the counties, and the justices of the peace of precincts.

350. The Supreme Court. The supreme court consists of one chief justice and four associate judges elected for a term of six years. The supreme court is held in Olympia.

351. Clerk of Supreme Court and Reporter. The judges of the supreme court appoint a clerk and a reporter of the decisions of the court.

352. Superior Courts. The superior courts are the higher courts of the counties.

353. Judges of the Superior Courts. The superior judges are elected at general elections for a term of four years, beginning on the second Monday in January next following the election. Some counties have one superior judge, some have two or three, and some superior judges preside over the courts of two or more counties.

354. Jurisdiction. For the jurisdiction of the several courts see article IV of the state constitution in the supplement.

ELECTIONS.

355. Method. The system known as the Australian method is used in the elections held in the state of Washington.

356. Qualifications of Electors. All male persons of twenty-one years or more, who are citizens of the United States, and who have been residents of the state one year, of the county ninety days, and of the precinct thirty days immediately preceding, are entitled to vote at all elections. Women possessing the qualifications of age and time of residence, as specified in this section, are entitled to vote at school elections.

357. Election Officers. The county commissioners appoint for each precinct from its qualified electors one inspector and two judges, who constitute a board of judges of election.

358. Clerks of Election. The inspector and judges appoint two suitable persons to act as clerks of the election. They shall be qualified electors of the precinct.

359. Nominations of Candidates. The candidates for office are nominated by political parties, of which there may be as many as the people desire to organize. Primary meetings or elections are held in each precinct by the members of the several parties, who elect delegates to the county, city, or state convention, as the case may be. These delegates assemble in convention on an appointed day and nominate the officers. All primary elections must be conducted according to the provision of the statutes.

360. Ballots. All ballots are printed on white paper of good quality, and the names of candidates are

printed in black ink. Here is a copy of a ballot once used in Whatcom County:

[illegible]

361. How to Vote. Procure a legal ballot of one of the judges; go into an unoccupied booth, and if you desire to vote a straight party ticket place a cross X in the blank space to the right of the party name at the top of the ballot; or you may place a cross X at the right of the name of each candidate on the party ticket. If you desire to vote for candidates of different parties leave all the spaces to the right of the party names at the top of the ballot blank, and place a cross X in the space to the right of each candidate for whom you desire to vote. Be careful

not to vote for two persons for the same office, but whose names are on different tickets. Fold your ballot, carefully concealing its face, and with its number on the outside return to the ballot box and hand your ballot to the judge as folded, who will detach the number of the ballot and deposit it in the ballot box.

362. Number of Electors in Each Precinct. The maximum number of electors in each precinct is fixed by law at 300. The Australian system makes this provision necessary.

363. Opening and Closing the Polls. At all elections the polls are opened at 9 o'clock A. M., and closed at 7 o'clock P. M.

364. Registration. In all cities and towns, and all voting precincts having two hundred and fifty or more voters the electors shall be registered prior to all municipal or general elections.

365. Form of Registration. The registration of voters is made in a book in the following form:

Date of Registration.	Names.	Check Line.	Age.	Occupation.	Residence.	Remarks.

REVENUE AND TAXATION.

366. Need of Revenue. In order to carry on the institutions of government, there must be revenue.

Salaries of officers must be paid, public buildings erected and kept in repair, state institutions must be provided for, and all this requires money, which must be provided by some system of taxation.

367. Sources of Revenue. State revenue is derived either by a direct tax on property and persons, or by means of fees obtained by issuing charters and licenses for certain privileges of trade.

368. Property Subject to Taxation. All real property and personal property in the state are subject to taxation, except public buildings, churches, cemeteries, and an exemption of personal property of each individual to an amount not to exceed three hundred dollars.

369. Poll Tax. Every male inhabitant of the state between the ages of twenty-one and fifty years, except paupers, idiotic and insane persons, is required to pay a poll tax of two dollars per annum.

STATE INSTITUTIONS.

370. Classes. The state institutions may be divided into four classes:

- (1) Educational.
- (2) Charitable.
- (3) Reformatory.
- (4) Penal.

371. Educational. There are five educational institutions in the state—the University of Washington, the Agricultural College and School of Science, and three normal schools.

372. Charitable. There are four charitable institutions in the state, two asylums for the insane, school for defective youth, and the soldiers' home. .

373. Reformatory. There is one reformatory institution in the state—the reform school.

374. Penal. There is one penal institution in the state—the penitentiary.

LOCATION OF STATE INSTITUTIONS.

375. The University of Washington. The University of Washington is the outgrowth of the old territorial university, which was located at Seattle, King County, in 1861. The university is still located at Seattle, but has been recently removed from the old site to a peninsula lying between lakes Washington and Union.

376. The Agricultural College. The Agricultural College and School of Science is located at Pullman, Whitman County.

377. The State Normal Schools. The state normal schools are located—one at Cheney, Spokane County; one at Ellensburg, Kittitas County, and one at Whatcom, Whatcom County. .

378. Hospitals for the Insane. "The Western Washington Hospital for the Insane" is located at Steilacoom, Pierce County; "the Eastern Washington Hospital for the Insane" is located at Medical Lake, Spokane County.

379. School for Defective Youth. This state institution is located at Vancouver, Clarke County.

380. Soldiers' Home. The home for soldiers is located at Orting, Pierce County.

381. Reform School. The state reform school is located at Chehalis, Lewis County.

382. The Penitentiary. This institution is located at Walla Walla, Walla Walla County.

383. Other State Institutions. The state capital and the state library are located at Olympia, Thurston County, and the state fair at North Yakima, Yakima County.

SUGGESTIVE QUESTIONS.

1. What is the basis or foundation of the government of Washington?
2. Why is the legislature composed of two houses?
3. Why should the house of representatives be limited to 99 members?
4. What is the object of making the senate a smaller body than the house?
5. What does the large representation for the counties of King, Pierce and Spokane as exhibited in the tables indicate?
6. Where is the center of population in the state of Washington?
7. Can the general election day ever fall on the first day of the month? Why?
8. What other qualifications should members of the legislature possess besides those mentioned in the text?

9. Why are the sessions of the legislature limited to sixty days?

10. Not counting the mileage of members, what is the probable cost of a session of the legislature?

11. Is it wise to give the governor the veto power? Why?

12. Why does the beginning of the term of office of the state printer differ from that of the other state officers?

13. Are the salaries of the state officers too high?

14. Why should their salaries differ?

15. What are the qualifications of a good governor?

16. Is the office of lieutenant governor needed?

17. What qualifications should the secretary of state possess?

18. What are the qualifications of a good auditor? Treasurer? Attorney General?

19. Why is a commissioner of public lands needed? Will this office always be an important one?

20. Is it better to have a state printer than leave the state printing open to competition? Why?

21. Should the governor be given a large patronage in appointing officers and boards? Why?

22. What are the functions of the judicial department of the state government?

23. Is the Australian system of voting a good one?

24. If women may vote at school elections, why not at any other election?

25. How is a political party organized?

26. How many political parties are there at the present time in the state?

27. What causes new parties to be formed?
28. Why is the maximum number of electors in each precinct fixed at 300?
29. What is the object of registration?
30. Does any money collected for taxes in the state go to the national government?
31. Should all citizens of the state pay taxes? Why?
32. What conditions of the people do the several state institutions suggest?
33. Why does the state maintain these institutions?

OUTLINE FOR A CLASS EXERCISE.

1. The teacher announces that an election will be held on a certain day.
2. Let the teacher assume the office of governor and issue an election proclamation.
3. Let the pupils divide themselves into two or more parties
4. Each party holds primary elections for delegates to a convention.
5. The delegates of each party meet in separate conventions at stated times and nominate candidates for the offices named in the governor's proclamation.
6. The teacher appoints three pupils to act in the capacity of county commissioners.
7. These three commissioners hold a meeting and provide for election places, booths, ballots, and ballot boxes, and appoint inspectors and judges of the election, being careful to make selections from the members of the several parties.

8. The inspector and judges meet at an appointed hour on election day, appoint two clerks, open the polls and proceed with the election until the appointed hour for closing.

9. They formally announce the closing of the polls and then proceed to count the ballots, which are again placed in the ballot box, which is sealed and returned to a pupil appointed by the teacher to act as secretary of state.

10. The secretary of state canvasses the ballot and announces the result to the governor.

CAUTION—Care must be taken in this exercise not to engender a party feeling, which may lead to discord in the school. To avoid this the following suggestion may be followed: Use fictitious names instead of the names of the political parties of the state. For example, one party may be called the Liberal party and another the Conservative party, etc.

NOTE—This kind of exercise will make theoretical politics practical, and be very valuable practice for the pupils.

Here are a few similar exercises:

1. Organize a model state government in the school.
2. Organize a model legislature and proceed to business.
3. Organize a model court and try some model civil cases.

SUPPLEMENT

—TO—

CHAPTER XII.



THE STATE CONSTITUTION.



CONSTITUTION, STATE OF WASHINGTON.

PREAMBLE.

WE, THE PEOPLE OF THE STATE OF WASHINGTON, GRATEFUL TO THE SUPREME
RULER OF THE UNIVERSE FOR OUR LIBERTIES, DO ORDAIN THIS CONSTITUTION.

ARTICLE I.—DECLARATION OF RIGHTS.

SECTION 1. All political power is inherent in the ^{Political} people, and governments derive their just powers from ^{power.} the consent of the governed, and are established to protect and maintain individual rights.

SEC. 2. The Constitution of the United States is ^{Supreme} law. the supreme law of the land.

SEC. 3. No person shall be deprived of life, lib- ^{Right of trial.} erty or property without due process of law.

SEC. 4. The right of petition, and of the people ^{Right of pe-} peaceably to assemble for the common good shall ^{tion.} never be abridged.

SEC. 5. Every person may freely speak, write and ^{Free speech} publish on all subjects, being responsible for the abuse ^{guaranteed.} of that right.

SEC. 6. The mode of administering an oath, or ^{Oaths, how ad-} affirmation, shall be such as may be most consistent ^{ministered.} with and binding upon the conscience of the person to whom such oath, or affirmation, may be adminis-
tered.

Private affairs
sacred.

SEC. 7. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

Irrevocable
privileges.

SEC. 8. No law granting irrevocably any privilege, franchise or immunity shall be passed by the legislature.

Immunity
from self con-
viction.

SEC. 9. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Justice, how
administered.

SEC. 10. Justice in all cases shall be administered openly, and without unnecessary delay.

Religious
liberty.

SEC. 11. Absolute freedom of conscience in all matters of religious sentiment, belief, and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Special priv-
ileges shall not
be granted.

SEC. 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than

municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

SEC. 13. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it. Writ of habeas corpus.

SEC. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted. Excessive bail.

SEC. 15. No conviction shall work corruption of blood, nor forfeiture of estate. Corruption of blood.

SEC. 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public. Taking of private property.

No imprisonment for debt.

SEC. 17. There shall be no imprisonment for debt, except in case of absconding debtors.

Military subordinate.

SEC. 18. The military shall be in strict subordination to the civil power.

Elections must be free and equal.

SEC. 19. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Bail.

SEC. 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident, or the presumption great.

Right of trial by jury.

SEC. 21. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Right of defense in court.

SEC. 22. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

Right of appeal.

SEC. 23. No bill of attainder, *ex post facto* law, or ^{Ex post facto law.} law impairing the obligations of contracts shall ever be passed.

SEC. 24. The right of the individual citizen to bear ^{Right to bear arms.} arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

SEC. 25. Offenses heretofore required to be prose- ^{Prosecution by information.} cuted by indictment may be prosecuted by information or by indictment, as shall be prescribed by law.

SEC. 26. No grand jury shall be drawn or sum- ^{Grand jury.} moned in any county, except the superior judge thereof shall so order.

SEC. 27. Treason against the state shall consist ^{Treason.} only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SEC. 28. No hereditary emoluments, privileges or ^{Hereditary privileges.} powers shall be granted or conferred in this state.

SEC. 29. The provisions of this constitution are ^{Constitution mandatory.} mandatory, unless by express words they are declared to be otherwise.

SEC. 30. The enumeration in this constitution of ^{Rights not denied.} certain rights shall not be construed to deny others retained by the people.

SEC. 31. No standing army shall be kept up by ^{Standing army.} this state in time of peace, and no soldiers shall in

time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Fundamental
principle.

SEC. 32. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

ARTICLE II.—LEGISLATIVE DEPARTMENT.

Legislature.

SECTION 1. The legislative powers shall be vested in a senate and house of representatives, which shall be called the legislature of the State of Washington.

Limited mem-
bership.

SEC. 2. The house of representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one-half nor less than one-third of the number of members of the house of representatives. The first legislature shall be composed of seventy members of the house of representatives and thirty-five senators.

State census.

SEC. 3. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five, and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

SEC. 4. Members of the house of representatives shall be elected in the year eighteen hundred and eighty-nine, at the time and in the manner provided by this constitution, and shall hold their offices for the term of one year and until their successors shall be elected.

First election of representatives.

Tenure of office.

SEC. 5. The next election of the members of the house of representatives after the adoption of this constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the house of representatives shall be elected biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Second and subsequent elections.

SEC. 6. After the first election the senators shall be elected by single districts of convenient and contiguous territory at the same time and in the same manner as members of the house of representatives are required to be elected, and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this constitution, in odd numbered districts, shall go out of office at the end of the first year, and the senators elected in the even numbered districts shall go out of office at the end of the third year.

Election of state senators.

Eligibility.

SEC. 7. No person shall be eligible to the legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.

Election returns.

SEC. 8. Each house shall be the judge of the election, returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Quorum.

Rules.

SEC. 9. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

Officers of each house.

SEC. 10. Each house shall elect its own officers, and when the lieutenant governor shall not attend as president, or shall act as governor, the senate shall choose a temporary president. When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate.

Journal.

SEC. 11. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more

Adjournment. than three days, nor to any place other than that in

which they may be sitting, without the consent of the other.

SEC. 12. The first legislature shall meet on the first Wednesday after the first Monday in November, A. D. 1889. The second legislature shall meet on the first Wednesday after the first Monday in January, A. D. 1891, and sessions of the legislature will be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days.

Meetings of the legislature

Limit of session.

SEC. 13. No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Ineligibility of members to certain offices.

SEC. 14. No person, being a member of congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the legislature; and if any person after his election as a member of the legislature shall be elected to congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat: *Provided*, That officers in the militia of the state who receive no annnal salary, local officers and postmasters, whose compensation does not

Who are ineligible to membership in legislature.

exceed three hundred dollars per annum, shall not be ineligible.

Vacancies. SEC. 15. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

Immunity from arrest. SEC. 16. Members of the legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session.

Free speech. SEC. 17. No member of the legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

Style of laws. SEC. 18. The style of the laws of the state shall be: "Be it enacted by the legislature of the State of Washington." And no law shall be enacted except by bill.

But one subject in bill. SEC. 19. No bill shall embrace more than one subject, and that shall be expressed in the title.

Either house may amend. SEC. 20. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

Yeas and nays. SEC. 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.

Yeas and nays in passage of bill SEC. 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority

of the members elected to each house be recorded thereon as voting in its favor.

SEC. 23. Each member of the legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route. Compensation of members.

SEC. 24. The legislature shall never authorize any lottery or grant any divorce. Lottery.—Divorce.

SEC. 25. The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office. Extra compensation forbidden.

SEC. 26. The legislature shall direct by law in what manner and in what courts suits may be brought against the state. Suit against state.

SEC. 27. In all elections by the legislature the members shall vote *viva voce*, and their votes shall be entered on the journal. Method of voting.

SPECIAL LEGISLATION.

SEC. 28. The legislature is prohibited from enacting any private or special law in the following cases: Private laws forbidden in certain cases

1. For changing the names of persons, or constituting one person the heir at law of another.

2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads, to aid in the construc-

tion of which lands shall have been or may be granted by congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5. For assessment or collection of taxes, or for extending the time for collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village, or to amend the charter thereof.

9. [From] giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing, in whole or in part, the indebtedness, liability or other obligation of any person or corporation to this state, or to any municipal corporation therein.

11. Declaring any person of age, or authorizing any minor to sell, lease or encumber his or her property.

12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal action.

18. Changing county lines, locating or changing county seats: *Provided*, This shall not be construed to apply to the creation of new counties.

SEC. 29. After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, co-partnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state.

SEC. 30. The offense of corrupt solicitation of members of the legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding—except for perjury in giving such testimony—and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure proposed or pending before the

Labor of convicts.

Corrupt solicitation.

Members shall not vote in certain cases.

legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Laws take
effect when.

SEC. 31. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered on the journals.

Presiding offi-
cers to sign
bill.

SEC. 32. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the legislature shall prescribe.

Ownership of
lands by
aliens.

SEC. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: *Provided*, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition.

SEC. 34. There shall be established in the office of the secretary of state, a bureau of statistics, agriculture and immigration, under such regulations as the legislature may provide. ^{Bureau of statistics.}

SEC. 35. The legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life and deleterious to health; and fix pains and penalties for the enforcement of same. ^{Laws relating to mines and factories.}

SEC. 36. No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the legislature, unless the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. ^{Introduction of bills limited.}

SEC. 37. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. ^{Amending laws.}

SEC. 38. No amendment to any bill shall be allowed which shall change the scope and object of the bill. ^{Amendment to bills.}

SEC. 39. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision. ^{Passes forbidden.}

ARTICLE III.—THE EXECUTIVE.

Executive department consists of whom.

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and a commissioner of public lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the legislature.

Governor.

SEC. 2. The supreme executive power of this state shall be vested in a governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

Tenure of office.

Other officers.

SEC. 3. The lieutenant-governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands, shall hold their offices for four years, respectively, and until their successors are elected and qualified.

Tenure of office.

Election of executive officers.—Returns.

SEC. 4. The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives at the first meeting of the house thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same

Certificate of election.

office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the legislature in such manner as shall be decided by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election, until otherwise provided by law.

Contested elections.

SEC. 5. The governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Duties of governor.

SEC. 6. He shall communicate at every session by message to the legislature the condition of the affairs of the state, and recommend such measures as he shall deem expedient for their action.

Message.

SEC. 7. He may, on extraordinary occasions, convene the legislature by proclamation, in which shall be stated the purposes for which the legislature is convened.

May convene legislature in extra session.

SEC. 8. He shall be commander-in-chief of the military in the state except when they shall be called into the service of the United States.

Commander-in-chief.

SEC. 9. The pardoning power shall be vested in the governor under such regulations and restrictions as may be prescribed by law.

Pardoning powers.

SEC. 10. In case of the removal, resignation, death or disability of the governor, the duties of the office shall devolve upon the lieutenant-governor, and in case of a vacancy in both the offices of governor and lieutenant-governor, the duties of governor shall devolve

Duties shall devolve on lieutenant-governor, when.

upon the secretary of state, who shall act as governor until the disability be removed or a governor be elected.

Governor may
remit fines,
etc.

SEC. 11. The governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the legislature at its next meeting each case of reprieve, commutation, or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.

Duties of gov-
ernor in regard
to enactment
of laws.—Ve-
toes.

SEC. 12. Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sunday excepted, after it shall be presented to him, it shall become a law without his signature, unless the general

adjournment shall prevent its return, in which case it shall become a law unless the governor, within ten days next after the adjournment, Sundays excepted, shall file such bill, with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor. If any bill presented to the governor contain several sections or items, he May veto one or more items or sections. may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items to which he objects, and the reasons therefor, and the section or sections, item or items so objected to shall not take effect unless passed over the governor's objection, as hereinbefore provided.

SEC. 13. When, during a recess of the legislature, a vacancy shall happen in any office, the appointment to which is vested in the legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this constitution, the governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified. Fill vacancies by appointment.

SEC. 14. The governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum. Salary of governor.

SEC. 15. All commissions shall issue in the name of the state, shall be signed by the governor, sealed He shall issue all commissions.

with the seal of the state, and attested by the secretary of state.

Duties of lieutenant-governor.

SEC. 16. The lieutenant-governor shall be presiding officer of the state senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

Salary.

Duties of secretary of state.

SEC. 17. The secretary of state shall keep a record of the official acts of the legislature and executive department of the state, and shall, when required, lay the same and all matters relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

Salary.

Shall keep state seal.

SEC. 18. There shall be a seal of the state kept by the secretary of state for official purposes, which shall be called "The Seal of the State of Washington."

Duties of state treasurer.

SEC. 19. The treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed four thousand dollars per annum.

Salary.

Duties of state auditor.

SEC. 20. The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the

Salary.

legislature, but shall never exceed three thousand dollars per annum.

SEC. 21. The attorney-general shall be the legal Duties of attorney-general. adviser of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, Salary. which may be increased by the legislature, but shall never exceed thirty-five hundred dollars per annum.

SEC. 22. The superintendent of public instruction Duties of superintendent of public instruction. shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, Salary. which may be increased by law, but shall never exceed four thousand dollars per annum.

SEC. 23. The commissioner of public lands shall Land commissioner. perform such duties and receive such compensation as the legislature may direct.

SEC. 24. The governor, secretary of state, treasurer, auditor, superintendent of public instruction, Certain offices to be kept at capital. commissioner of public lands and attorney-general shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the governor, secretary of state, treasurer and auditor shall reside.

SEC. 25. No person, except a citizen of the United Eligibility to state office. States and a qualified elector of this state, shall be eligible to hold any state office, and the state treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation for state

officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may, in its discretion, abolish the offices of the lieutenant-governor, auditor, and commissioner of public lands.

Certain offices
may be abol-
ished.

ARTICLE IV.—THE JUDICIARY.

SECTION 1. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

Supremecourt.
Inferiorcourts.

SEC. 2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time, and may provide for separate departments of said court.

Supreme court
consists of
whom.

SEC. 3. The judges of the supreme court shall be elected by the qualified electors of the state at large, at the general state election, at the time and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this constitution, and the judges elected thereat shall be classified, by lot, so that two shall hold their office for the term of three years, two for a term of five

Supreme
judges.—Elec-
tion.

Tenure of
office.

years, and one for the term of seven years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all ses-^{Chief justice.}sions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of^{Vacancy, how filled.} the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

Jurisdiction of
supreme court.

SEC. 4. The supreme court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars (\$200), unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state, or any judge thereof.

Powers of
judges.

Superior
courts.

SEC. 5. There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the general state election: *Provided*, That until otherwise directed by the legislature one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for

the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clark, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, and one judge for the counties of Whatcom, Skagit and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he had been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein, or assigned to duty therein by the governor, and the business of the court shall be so distributed and assigned by law, or, in the absence of legislation therefor, by such rules and orders of court, as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this constitution shall hold their office for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this

Sessions of
court.

Tenure of
office of supe-
rior judges.

state shall be for four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified. The first election of judges of the superior court shall be at the election held for the adoption of this constitution. If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Jurisdiction of
superior
courts.

SEC. 6. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They

shall have such appellate jurisdiction in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.

Powers of judges and courts.

SEC. 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge *pro tempore*, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case.

Judges may hold court in any county by request.

Pro tempore judges.

SEC. 8. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: *Provided*, That in case of extreme necessity the governor may extend the leave of absence such time as the necessity therefor shall exist.

Leave of absence of judges.

SEC. 9. Any judge of any court of record, the attorney-general, or any prosecuting attorney may be removed from office by joint resolution of the legis-

Removal of judicial officer by legislature.

lature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses, and on the question of removal the ayes and nays shall also be entered on the journal.

Proceedings.
Justices of the peace.

SEC. 10. The legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: *Provided*, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Courts of record.

SEC. 11. The supreme court and the superior courts shall be courts of record, and the legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.

Inferior courts, jurisdiction of.

SEC. 12. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts

which may be established in pursuance of this constitution.

SEC. 13. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the supreme court and judges of the superior court shall severally, at stated times, during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the supreme court shall be paid by the state. One-half of the salary of each of the superior court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

Compensation
of judicial
officers.

Salary of su-
perior judge,
how paid.

SEC. 14. Each of the judges of the supreme court shall receive an annual salary of four thousand dollars (\$4,000); each of the superior court judges shall receive an annual salary of three thousand dollars (\$3,000), which said salaries shall be payable quarterly. The legislature may increase the salaries of the judges herein provided.

Salaries of
judges,
amount per
annum.

SEC. 15. The judges of the supreme court and the judges of the superior court shall be ineligible to any other office.

Judges ineli-
gible to any
other office.

other office or public employment than a judicial office or employment, during the term for which they shall have been elected.

Charge to jury. SEC. 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Eligibility to judgeship. SEC. 17. No person shall be eligible to the office of judge of the supreme court or judge of a superior court unless he shall have been admitted to practice in the courts of record of this state or of the Territory of Washington.

Reporter for supreme court. SEC. 18. The judges of the supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

Judges shall not practice law. SEC. 19. No judge of a court of record shall practice law in any court of this state during his continuance in office.

Decision of cases by superior judge, limit of time. SEC. 20. Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof: *Provided*, That if, within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.

Publications of opinions of supreme court. SEC. 21. The legislature shall provide for the speedy publication of opinions of the supreme court, and all opinions shall be free for publication by any person.

Clerk of supreme court. SEC. 22. The judges of the supreme court shall appoint a clerk of that court, who shall be removable

at their pleasure, but the legislature may provide for the election of the clerk of the supreme court and prescribe the term of his office. The clerk of the supreme court shall receive such compensation, by salary ^{Salary of.} only, as shall be provided by law.

SEC. 23. There may be appointed in each county, ^{Court commis-} by the judge of the superior court having jurisdiction ^{sioners, pow-} therein, one or more court commissioners, not exceed- ^{ers of.} ing three in number, who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 24. The judges of the superior courts shall, ^{Rules of} from time to time, establish uniform rules for the gov- ^{courts.} ernment of the superior courts.

SEC. 25. Superior judges shall, on or before the ^{Superior} first day of November in each year, report in writing ^{judges to re-} to the judges of the supreme court such defects and ^{port to su-} omissions in the laws as their experience may suggest, ^{preme judges.} and the judges of the supreme court shall, on or before the first day of January in each year, report in writing to the governor such defects and omissions in the laws as they may believe to exist.

SEC. 26. The county clerk shall be, by virtue of ^{Clerk of su-} his office, clerk of the superior court. ^{perior court.}

SEC. 27. The style of all process shall be, "The ^{Style of pro-} State of Washington," and all prosecutions shall be ^{cesses.} conducted in its name and by its authority.

Oaths of office
of judges.

SEC. 28. Every judge of the supreme court and every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.

ARTICLE V.—IMPEACHMENT.

Proceedings in
impeachment
cases.

SECTION 1. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the senate, and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or lieutenant-governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

Impeachment
for what
offences.

SEC. 2. The governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

SEC. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law. Removal from office.

ARTICLE VI.—ELECTIONS AND ELECTIVE RIGHTS.

SECTION 1. All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote: *Provided*, That Indians not taxed shall never be allowed the elective franchise: *Provided further*, That all male persons who at the time of the adoption of this constitution are qualified electors of the territory shall be electors. Qualifications of electors.

SEC. 2. The legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex. In school elections.

SEC. 3. All idiots, insane persons, and persons convicted of infamous crime, unless restored to their civil rights, are excluded from the elective franchise. Certain persons not electors.

SEC. 4. For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor house or other asylum, nor while Residence not gained or lost by military service, etc.

confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

Immunity
from arrest on
election days.

SEC. 5. Voters shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

Elections by
ballot.

SEC. 6. All elections shall be by ballot. The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

Registration
laws.

SEC. 7. The legislature shall enact a registration law, and shall require a compliance with such law before any elector shall be allowed to vote: *Provided*, That this provision is not compulsory upon the legislature, except as to cities and towns having a population of over five hundred inhabitants. In all other cases the legislature may or may not require registration as a pre-requisite to the right to vote, and the same system of registration need not be adopted for both classes.

First election
of officers;
subsequent
elections.

SEC. 8. The first election of county and district officers, not otherwise provided for in this constitution, shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such officers shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this constitution, after the election held for the adoption of this constitution, shall be on the Tuesday

next after the first Monday in November, 1892, and the elections for such state officers shall be every fourth year thereafter on the Tuesday succeeding the first Monday in November.

ARTICLE VII.—REVENUE AND TAXATION.

SECTION 1. All property in the state, not exempt under the laws of the United States, or under this constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

SEC. 2. The legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property: *Provided*, That a deduction of debts from credits may be authorized: *Provided further*, That the property of the United States, and of the state, counties, school districts and other municipal corporations, and such other property as the legislature may by general laws provide, shall be exempt from taxation.

All property
taxed accord-
ing to value;
annual levies.

Uniform and
equal rates of
taxation.

Exemptions.

Assessment
of corporation
property.

SEC. 3. The legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

Same.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

No tax except
in pursuance
of law.

SEC. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

All taxes paid
in money.

SEC. 6. All taxes levied and collected for state purposes shall be paid in money only into the state treasury.

Statements of
receipts and
expenditures.

SEC. 7. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the legislature may provide.

Deficiencies in
revenue pro-
vided for.

SEC. 8. Whenever the expenses of any fiscal year shall exceed the income, the legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Rights of cities
and towns to
levy special
taxes.

SEC. 9. The legislature may vest the corporate authorities of cities, towns and villages with the power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be

vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

ARTICLE VIII.—STATE, COUNTY AND MUNICIPAL IN-
DEBTEDNESS.

SECTION 1. The state may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars (\$400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debts so contracted, and to no other purpose whatever. State indebtedness limited.

SEC. 2. In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or to defend the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, and to no other purpose whatever. Exceptions to limitation.

SEC. 3. Except the debts specified in sections one and two of this article, no debt shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the Special provision for incurring indebtedness.

contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein throughout the state, for three months next preceding the election at which it is submitted to the people.

Appropriations.

SEC. 4. No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Credit of state shall not be pledged in aid of corporations.

SEC. 5. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, company or corporation.

Limit of indebtedness of counties, cities and school districts.

SEC. 6. No county, city, town, school district or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths

of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district or other municipal purposes: *Provided, further*, That any city or town with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light and sewers when the works for supplying such water, light and sewers shall be owned and controlled by the municipality.

SEC. 7. No county, city, town or other municipal corporation shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

Counties and municipalities shall not aid corporations, etc.

ARTICLE IX.—EDUCATION.

SECTION 1. It is the paramount duty of the state to make ample provision for the education of all children.

Education of children.

dren residing within its borders, without distinction or preference on account of race, color, caste or sex.

Uniform system of public schools; includes what; support of.

SEC. 2. The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the state tax for common schools, shall be exclusively applied to the support of the common schools.

Common school fund; derived from what sources.

SEC. 3. The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to-wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals or other property from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United

States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be, granted to the state for the support of common schools.

The legislature may make further provisions for enlarg- Legislature may provide for increase.
ing said fund. The interest accruing on said fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools.

SEC. 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence. Schools non-sectarian.

SEC. 5. All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this constitution. Losses to permanent school fund become a debt on state.

ARTICLE X.—MILITIA.

SECTION 1. All able-bodied male citizens of this state between the ages of eighteen (18) and forty-five Military duty, who are liable to.

(45) years, except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

Organization
of militia.

SEC. 2. The legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct, and shall be commissioned by the governor. The governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections and repel invasions.

Soldiers'
home.

SEC. 3. The legislature shall provide by law for the maintenance of a soldiers' home for honorably discharged Union soldiers, sailors, marines, and members of the state militia disabled while in the line of duty, and who are *bona fide* citizens of the state.

Arms.

SEC. 4. The legislature shall provide by law for the protection and safe keeping of the public arms.

Immunity
from arrest.

SEC. 5. The militia shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during the attendance at musters and elections of officers, and in going to and returning from the same.

Exemption
from military
duty.

SEC. 6. No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: *Provided*, Such person or persons shall pay an equivalent for such exemption.

ARTICLE XI.—COUNTY, CITY AND TOWNSHIP
ORGANIZATION.

SECTION 1. The several counties of the Territory of Washington existing at the time of the adoption of this constitution are hereby recognized as legal subdivisions of this state. County organizations recognized.

SEC. 2. No county seat shall be removed unless three-fifths of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years. Removal of county seats.

SEC. 3. No new county shall be established which shall reduce any county to a population of less than four thousand (4,000), nor shall a new county be formed containing a less population than two thousand (2,000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor, and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: *Provided*, That in such accounting neither county shall be charged with any debt or liability Organization of new counties. Change of boundaries.

then existing, incurred in the purchase of any county property or in the purchase or construction of any county buildings then in use or under construction, which shall fall within and be retained by the county: *Provided further*, That this shall not be construed to affect the rights of creditors.

System of
county govern-
ment.

SEC. 4. The legislature shall establish a system of county government which shall be uniform throughout the state, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county, and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

County offi-
cers, compen-
sation of.

SEC. 5. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys

which may be paid to them, or officially come into their possession.

SEC. 6. The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

SEC. 7. No county officer shall be eligible to hold his office more than two terms in succession.

Ineligibility
for more than
two terms.

SEC. 8. The legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of 5,000 and upward; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town or municipal officer shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Salaries.

SEC. 9. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

All counties
liable for state
taxes.

SEC. 10. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification, in proportion to population, of cities and towns, which laws may be altered,

Municipal cor-
porations, not
created by
special acts.

Charters for
cities of 20,000
or more.

Adoption of
charter.

amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution, shall be subject to and controlled by general laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election, and qualified electors, whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section au-

thorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Amendment of
charter.

SEC. 11. Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

Privileges of
cities.

SEC. 12. The legislature shall have no power to impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Local taxation
governed by
general laws.

SEC. 13. Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

Private prop-
erty not taken
for debt of
corporation.

Unlawful use
of public
money a
felony.

SEC. 14. The making of profit out of county, city, town or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

All public
money to be
deposited with
treasurer.

SEC. 15. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they belong.

ARTICLE XII.—CORPORATIONS OTHER THAN MUNICIPAL.

Not created by
special laws.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.

Charters, etc.,
when not
valid.

SEC. 2. All existing charters, franchises, special or exclusive privileges, under which an actual and *bona fide* organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

Legislature
shall not ex-
tend franchise
or remit for-
feiture.

SEC. 3. The legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise

or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

SEC. 4. Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock, and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

Liability of stockholders.

SEC. 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

Corporation, construed to include what.

SEC. 6. Corporations shall not issue stock, except to *bona fide* subscribers therefor, or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Corporation stock, fictitious issue void.

SEC. 7. No corporation organized outside the limits of this state shall be allowed to transact business

Corporations organized outside of state.

within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Leasing or
alienation of
franchises.

SEC. 8. No corporation shall lease or alienate any franchise, so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

State shall not
loan its credit
to corpora-
tions.

SEC. 9. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in, the stock of any company, association or corporation.

Eminent do-
main, state
may exercise
right.

SEC. 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

Corporations
and individ-
uals shall not
issue money,
except lawful
money of U. S.

SEC. 11. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable, equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Liability of
stockholders.

Insolvent
banks shall
not receive
deposits.

SEC. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall

receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

SEC. 13. All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of the state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar gauge they shall, at all crossings and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections, so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

SEC. 14. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

SEC. 15. No discrimination in charges or facilities for transportation shall be made by any railroad or

Common carriers; rights; duties.

Certain combinations of forbidden.

Discrimination in rates forbidden.

other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

Shall not consolidate.

SEC. 16. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

Rolling stock, etc., considered to be personal property.

SEC. 17. The rolling stock and other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

Regulation of fares and freights by legislature.

SEC. 18. The legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses, and to prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

SEC. 19. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all of such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this state shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights-of-way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material, or for repairing their lines, not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.

SEC. 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the legislature, or to any person holding any public office within this state. The legislature shall pass laws to carry this provision into effect.

SEC. 21. Railroad companies now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this

Telegraph and
telephone com-
panies.

Free passes,
discrimination
forbidden.

Railroads shall
not discrim-
inate against
any express
company.

state, transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them, or for doing the business of such express companies, not allowed to all express companies.

Trusts and
monopolies
forbidden.

SEC. 22. Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership or association of persons in this state shall directly or indirectly combine to make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever, for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their charter.

ARTICLE XIII.—STATE INSTITUTIONS.

Educational,
reformatory
and penal in-
stitutions.

SECTION 1. Educational, reformatory and penal institutions; those for the benefit of blind, deaf, dumb or otherwise defective youth, for the insane or idiotic, and such other institutions as the public good may require, shall be fostered and supported by the state, subject to

such regulations as may be provided by law. The regents, trustees or commissioners of all such institutions existing at the time of the adoption of this constitution, and of such as shall thereafter be established by law, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by the ayes and noes, and entered upon the journal.

ARTICLE XIV. SEAT OF GOVERNMENT.

SECTION I. The legislature shall have no power to change, or to locate the seat of government of this state; but the question of the permanent location of the seat of government of the state shall be submitted to the qualified electors of the territory, at the election to be held for the adoption of this constitution. A majority of all the votes cast at said election upon said question, shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election, the legislature shall, at its first regular session after the adoption of this constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said legislature shall

Permanent
location of seat
of government,
how chosen.

Temporary
seat. provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next ensuing general election: *Provided*, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

How changed. SEC. 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the legislature.

Capitol building. SEC. 3. The legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capital in pursuance of law.

ARTICLE XV.—HARBORS AND TIDE WATERS.

Harbor line commission. SECTION 1. The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of

the corporate limits of any city or within one mile thereof upon either side. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than 600 feet of such harbor line (as the commissioners shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such an area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Areas reserved
for wharves
and landings.

SEC. 2. The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures upon the areas mentioned in section 1 of this article, but no lease shall be made for any term longer than thirty years, or the legislature may provide by general laws for the building and maintaining upon such area, wharves, docks and other structures.

Leasing of
sites for
wharves and
docks.

SEC. 3. Municipal corporations shall have the right to extend their streets over intervening tide lands and across the area reserved as herein provided.

Municipal
corporations,
rights of.

ARTICLE XVI.—SCHOOL AND GRANTED LANDS.

SECTION 1. All the public lands granted to the state are held in trust for all the people, and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in

Shall not be
sold at less
than market
value.

such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

Lands for educational purposes sold to highest bidder at public auction.

SEC. 2. None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder. The value thereof, less the improvements, shall, before any sale, be appraised by a board of appraisers, to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal, the value of the improvements thereon shall be excluded: *Provided*, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the legislature.

School lands, how sold.

SEC. 3. No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: *Provided*, That nothing herein shall be so construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be

prescribed by law: *And provided further*, That no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

SEC. 4. No more than one hundred and sixty (160) Subdivision of school lands. acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city, or within two miles of the boundary of any incorporated city, where the valuation of such lands shall be found by appraisement to exceed one hundred dollars (\$100) per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

SEC. 5. None of the permanent school fund shall Investment of funds. ever be loaned to private persons or corporations, but it may be invested in national, state, county or municipal bonds.

ARTICLE XVII.—TIDE LANDS.

SECTION 1. The State of Washington asserts its Claim of state. ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: *Provided*, That this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

SEC. 2. The State of Washington disclaims all Ownership disclaimed to certain lands. title in and claim to all tide, swamp and overflowed

lands patented by the United States: *Provided*, The same is not impeached for fraud.

ARTICLE XVIII.—STATE SEAL.

Design of

SECTION 1. The seal of the State of Washington shall be, a seal encircled with the words: "The seal of the State of Washington," with the vignette of Gen. George Washington as the central figure, and beneath the vignette the figures "1889."

ARTICLE XIX.—EXEMPTIONS.

Homestead.

SECTION 1. The legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

ARTICLE XX.—PUBLIC HEALTH AND VITAL STATISTICS.

Board of health.

SECTION 1. There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, with such powers as the legislature may direct.

Practice of medicine.

SEC. 2. The legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

ARTICLE XXI.—WATER AND WATER RIGHTS.

Water rights.

SECTION 1. The use of the waters of the state for irrigation, mining and manufacturing purposes shall be deemed a public use.

ARTICLE XXII.—LEGISLATIVE APPORTIONMENT.

SECTION 1. Until otherwise provided by law, the state shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled to three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the fourth district and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district, and be entitled to one senator; the counties of Klickitat and Skamania shall constitute the eleventh district, and be entitled to one senator; the county of Clarke shall constitute the twelfth district, and be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the

First apportionment, senatorial districts.

counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three senators; the county of King shall constitute the nineteenth district, and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one senator.

First apportionment, representative districts.

SEC. 2. Until otherwise provided by law, the representatives shall be divided among the several counties of the state in the following manner: The county of Adams shall have one representative; the county of Asotin shall have one representative; the county of Chehalis shall have two representatives; the county of Clarke shall have three representatives; the county of Clallam shall have one representative; the county of Columbia shall have two representatives; the county of Cowlitz shall have one representative; the county of Douglas shall have one representative; the county of Franklin shall have one representa-

tive; the county of Garfield shall have one representative; the county of Island shall have one representative; the county of Jefferson shall have two representatives; the county of King shall have eight representatives; the county of Klickitat shall have two representatives; the county of Kittitas shall have two representatives; the county of Kitsap shall have one representative; the county of Lewis shall have two representatives; the county of Lincoln shall have two representatives; the county of Mason shall have one representative; the county of Okanogan shall have one representative; the county of Pacific shall have one representative; the county of Pierce shall have six representatives; the county of San Juan shall have one representative; the county of Skamania shall have one representative; the county of Snohomish shall have two representatives; the county of Skagit shall have two representatives; the county of Spokane shall have six representatives; the county of Stevens shall have one representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three representatives; the county of Wahkiakum shall have one representative; the county of Whatcom shall have two representatives; the county of Whitman shall have five representatives; the county of Yakima shall have one representative.

ARTICLE XXIII.—AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the State constitution, how amended.

legislature, and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered in their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election, and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the governor: *Provided*, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding the election, in some weekly newspaper in every county where a newspaper is published throughout the state.

Convention to
amend consti-
tution, how
called.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at the next session, provide by law for calling the same; and such convention shall consist of a number of members not less than that of the most numerous branch of the legislature.

SEC. 3. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people. Voters must ratify.

ARTICLE XXIV.—BOUNDARIES.

SECTION 1. The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific Ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia River, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla River; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake River; thence follow down the middle of the main channel of Snake River to a point opposite the mouth of the Kooskooskia or Clear Water River; thence due north to the forty-ninth parallel of north latitude; thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific Ocean Boundaries of state defined.

equidistant between Bonnilla point on Vancouver's Island and Tatoosh Island lighthouse; thence running in a southerly course and parallel with the coast line, keeping one marine league off shore, to place of beginning.

ARTICLE XXV.—JURISDICTION.

United States
to have juris-
diction over
certain tracts
and parcels of
land.

SECTION 1. The consent of the State of Washington is hereby given to the exercise, by the Congress of the United States, of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the constitution of the United States, so long as the same shall be so held and reserved by the United States: *Provided*, That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: *And provided*, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in

Exception.

the same mode and manner, and by the same officers, as if the consent herein given had not been made.

ARTICLE XXVI.—COMPACT WITH THE UNITED STATES.

The following ordinance shall be irrevocable without the consent of the United States and the people of this state:

First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship. Religious toleration guaranteed.

Second: That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that, until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States, and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for use: *Provided*, That nothing in this ordinance shall preclude the state from taxing, as other lands are taxed, any lands Rights to unappropriated public lands disclaimed.

owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of congress may prescribe.

Debts of territory assumed.

Third: The debts and liabilities of the Territory of Washington, and payment of the same, are hereby assumed by this state.

System of public schools guaranteed.

Fourth: Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control, which shall be open to all the children of said state.

ARTICLE XXVII.—SCHEDULE.

In order that no inconvenience may arise by reason of a change from a territorial to a state government, it is hereby declared and ordained as follows:

Existing rights of the territory to continue.

SECTION I. No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

SEC. 2. All laws now in force in the Territory of Washington, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature: *Provided*, That this section shall not be so construed as to validate any act of the legislature of Washington Territory granting shore or tide lands to any person, company or any municipal or private corporation.

Laws of territory of Washington valid.

SEC. 3. All debts, fines, penalties and forfeitures which have accrued, or may hereafter accrue, to the Territory of Washington shall inure to State of Washington.

Debts, fines, etc., inure to state.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state, and all bonds executed to the Territory of Washington or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall inure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the State of Washington, as the same could have been by the Territory of Washington.

Recognizances taken under territorial government valid under state government.

Penal actions. SEC. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued and transferred to the court of the state having jurisdiction of the subject matter thereof.

Public officers. SEC. 6. All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

First election of officers. SEC. 7. All officers provided for in this constitution, including a county clerk for each county, when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this constitution on the first Tuesday of October, 1889.

Courts, transfer of cases. SEC. 8. Whenever the judge of the superior court of any county, elected or appointed under the provis-

ions of this constitution, shall have qualified, the several causes then pending in the district court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States district court, had such court existed at the time of the commencement of such causes within such county, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court of such county. And where the judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county or counties, other than that in which such records are kept, the original papers in all cases pending in such district and belonging to the jurisdiction of such county or counties, together with transcript of so much of the records of said district court as to relate to the same; and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts, respectively, as heretofore constituted under the laws of the territory. Whenever a quorum of the judges of the supreme court of the state shall have been elected and qualified, the causes then pending in the supreme court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States circuit court, had such court existed at the time of the commencement of such causes, and the papers, records

and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded, the supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this constitution had not been adopted.

Court seals

SEC. 9. Until otherwise provided by law, the seal now in use in the supreme court of the territory shall be the seal of the supreme court of the state. The seal of the superior courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington, with the words: "Seal of the superior court of ——— county," surrounding the vignette. The seal of the municipalities, and of all county officers of the territory, shall be the seals of such municipalities and county officers, respectively, under the state, until otherwise provided by law.

Probate court cases to be transferred to superior court.

SEC. 10. When the state is admitted into the Union, and the superior courts in their respective counties organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the superior court of the same county created by this constitution, and the said court shall proceed to final judgment or decree, order or other determination, in the several

matters and causes as the territorial probate court might have done if this constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the territory. The superior courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

SEC. 11. The legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this constitution, and fix the time for commencement and duration of their term.

Election of officers not otherwise provided for.

SEC. 12. In case of a contest of election between candidates, at the first general election under this constitution, for judges of the superior courts, the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the secretary of state; and said officer, together with the governor and treasurer of state, shall review the evidence and determine who is entitled to the certificate of election.

Contest at first election.

SEC. 13. One representative in the congress of the United States shall be elected from the state at large, at the first election provided for in this constitution; and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts,

Representative in congress.

in accordance with such apportionment. The vote cast for representative in congress, at the first election, shall be canvassed and the result determined in the manner provided for by the laws of the territory for the canvass of the vote for delegate in congress.

District, county and precinct officers to hold office until 1891.

SEC. 14. All district, county and precinct officers, who may be in office at the time of the adoption of this constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this constitution; and the official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted. And such officers shall continue to receive the compensation now provided until the same be changed by law.

Election to adopt constitution, how conducted.

SEC. 15. The election held at the time of the adoption of this constitution shall be held and conducted in all respects according to the laws of the territory, and the votes cast at said election for all officers (where no other provisions are made in this constitution), and for the adoption of this constitution and the several separate articles, and the location of the state capital, shall be canvassed and returned in the several counties in the manner provided by territorial law, and shall be returned to the secretary of the territory in the manner provided by the enabling act.

State constitution in effect, when.

SEC. 16. The provisions of this constitution shall be in force from the day on which the president of

the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

SEC. 17. The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this constitution: Separate article No. 1. "All persons, male and female, of the age of 21 years, or over, possessing the qualifications provided by this constitution, shall be entitled to vote at all elections." Separate article No. 2. "It shall not be lawful for any individual, company or corporation, within the limits of this state, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt or spirituous liquors, except for medicinal, sacramental or scientific purposes." If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate articles so receiving a majority shall become a part of this constitution and shall govern and control any provision of the constitution in conflict therewith.

SEC. 18. The form of ballot to be used in voting for or against this constitution, or for or against the separate articles, or for the permanent location of the seat of government, shall be:

1. For the Constitution.
Against the Constitution.

2. For Woman Suffrage Article.
Against Woman Suffrage Article.
3. For Prohibition Article.
Against Prohibition Article.
4. For the permanent location of the seat of Government. [Name of place voted for.]

Appropriation
authorized to
pay deficiency.

SEC. 19. The legislature is hereby authorized to appropriate from the state treasury sufficient money to pay any of the expenses of this convention not provided for by the enabling act of congress.

CERTIFICATE.

We, the undersigned, members of the convention to form a constitution for the State of Washington, which is to be submitted to the people for their adoption or rejection, do hereby declare this to be the constitution formed by us, and in testimony thereof, do hereunto set our hands, this twenty-second day of August, anno domini, one thousand eight hundred and eighty-nine.

JOHN P. HOYT, President.

J. J. BROWNE,
N. G. BLALOCK,
JOHN F. GOWEY,
FRANK M. DALLAM,
JAMES Z. MOORE,
E. H. SULLIVAN,
GEORGE TURNER,
AUSTIN MIRES,
M. M. GODMAN,
GWIN HICKS,
WM. F. PROSSER,
LOUIS SOHNS,
A. A. LINDSLEY,
J. J. WEISENBURGER,
P. C. SULLIVAN,
R. S. MORE,

FRANCIS HENRY,
GEORGE COMEGYS,
OLIVER H. JOY,
DAVID E. DURIE,
D. BUCHANAN,
JOHN R. KINNEAR,
GEORGE W. TIBBETTS,
H. W. FAIRWEATHER,
THOMAS C. GRIFFITHS.
C. H. WARNER,
J. P. T. McCROSKEY,
S. G. COSGROVE,
THOS. HAYTON,
SAM'L H. BERRY,
D. J. CROWLEY,
J. T. McDONALD,
JOHN M. REED,

THOMAS T. MINOR,	EDWARD ELDRIDGE,
J. J. TRAVIS,	GEO. H. STEVENSON,
ARNOLD J. WEST,	SILVIUS A. DICKEY,
CHARLES T. FAY,	HENRY WINSOR,
CHARLES P. COEY,	THEODORE L. STILES,
ROB'T F. STURDEVANT,	JAMES A. BURK,
JOHN A. SHOUDY,	JOHN McCREAVY,
ALLEN WEIR,	R. O. DUNBAR,
W. B. GRAY,	MORGAN MORGANS,
TRUSTEN P. DYER,	JAS. POWER,
GEO. H. JONES,	B. B. GLASCOCK,
B. L. SHARPSTEIN,	O. A. BOWEN,
H. M. LILLIS,	HARRISON CLOTHIER,
J. F. VAN NAME,	MATT. J. McELROY,
ALBERT SCHOOLEY,	J. T. ESHELMAN,
H. C. WILLISON,	ROBERT JAMIESON,
T. M. REED,	HIRAM E. ALLEN,
S. H. MANLY,	H F. SUKSDORF,
RICHARD JEFFS,	J. C. KELLOGG.

Attest :

JOHN I. BOOGE, *Chief Clerk.*

NOTES AND QUERIES ON THE STATE CONSTITUTION.

1. What lesson do you learn from the preamble?
2. Why is all political power inherent in the people?
3. What are individual rights? Name some.
4. What is the use of section 2 of article I?

NOTE—That the constitution of the United States is the supreme law of the land, would hardly be questioned.

5. What is a "due process of law"?
6. Why should the people have the right to petition?
7. Why should the people be given the right of free speech?
8. How may this right be abused?
9. What is the difference between an oath and an affirmation?
10. Should the government require a person to do that which his conscience forbids?
11. We frequently hear the expression, "A man's house is his castle." How does section 7 of article I apply to this?
12. Should the government ever grant special privileges?
13. Why is it right not to require a person to give evidence against himself?
14. Why should he not be twice put in jeopardy for the same offense?
15. Why should justice always be administered openly?

16. Should capital punishment be administered openly?

17. Should church and state be ever united? Why?

18. Is religious freedom right? Why?

19. What effect would the enactment of special laws have?

20. What is meant by the writ of habeas corpus?

21. Why should this writ ever be suspended?

22. Has it ever been suspended in Washington? If so, when?

23. Why is section 14 of article I a good one?

24. What is meant by "corruption of blood"?

25. What is meant by "taking private property for private use"?

26. Why should not a person be imprisoned for debt?

27. Why should the military be subordinate to the civil power?

28. Why should elections be free?

29. Why not make capital offensesailable?

30. What makes the right of trial by jury so sacred to the people?

31. Is justice more liable to be rendered by jury than by other processes?

32. Why should a person be given the right of defense? Of appeal?

33. What is a "bill of attainder"? An "*ex post facto* law"?

34. Should a citizen have the right to bear arms? Why?

35. What is the difference between a prosecution by indictment, and one by information?

36. What is a grand jury? What are its duties?

37. Can there be a greater crime than that of treason? If so, what?

38. Why should not hereditary privileges be granted?

39. What is meant by mandatory provisions?

40. Name some rights of the people not enumerated in this constitution.

41. Has this country any need of a standing army?

42. What is meant by the phrase, "A frequent recurrence to fundamental principles"?

NOTE—A written constitution should not be a voluminous document. The constitution of the United States is *multum in parvo*, and it has received the admiration of the statesmen of the world and been pronounced the ablest document of its kind. Many of the provisions of the first article of the constitution of Washington are found in the constitution of the United States. Granting that section 2 of the first article of our state constitution is true, let the student show how this article may be abridged and take nothing from its potency.

ARTICLE II.—LEGISLATIVE DEPARTMENT.

NOTE—Only such questions will be asked here as have not already been propounded in the first part of this chapter. These questions are designed to be suggestive and lead to thought and supplemental reading on the part of the student.

43. When will the next division of the state into senatorial and representative districts be made?

44. Why are untaxed Indians, soldiers, sailors, etc., excluded from the state census?

45. Could section 4 of this article be stricken out?

46. What is the propriety of section 6 of this article?

47. Does any part of the proceedings of the legislature require secrecy? Why?

48. Is section 13 of this article a good provision? Why?

49. Give reasons for the restrictions in section 14.

50. Why should the members of the legislature be free from arrest and have such great freedom of speech?

51. Why should not the legislature grant divorces and authorize lotteries?

52. Are the restrictions on special legislation wise measures? Discuss each one fully.

NOTE—Perhaps some of these cases would better have been left by the makers of the constitution for legislative enactments.

53. Why should not convict labor be let by contract?

54. What is your opinion in regard to the wisdom of section 30?

55. Why should not all laws go into effect as soon as enacted?

56. Is the restriction against aliens owning land a good one? Why?

57. What is the use of a bureau of statistics?

58. Is section 35 a good provision? Why?

59. Should public officers be forbidden to use transportation passes? Why?

ARTICLE III.—THE EXECUTIVE.

60. Should the governor in his messages to the legislature ever dictate to the members their action?

NOTE—It is the design in all governments subordinate to that of the United States to follow the example of making the three departments entirely independent of one another.

61. Should the governor make frequent use of the pardoning power? Why?

62. How does one of the provisions of section 11 of this article compare with restriction number 14 of section 28 of article II?

63. Name any duties of state officers as given in this constitution and not mentioned in the first part of the chapter.

64. What state officers must reside in Olympia?

65. Why does the constitution prohibit the state treasurer from serving two terms in succession and not the other state officers?

66. Would it be wise to abolish the three state offices mentioned in section 25?

ARTICLE IV.—THE JUDICIARY.

67. What is meant by “non-judicial days?”

68. What is original jurisdiction? Appellate?

69. Give the meaning of the terms "quo warranto" and "mandamus."

70. How is the state divided judicially at the present time? [See the statutes.]

71. Discuss the powers of judges and courts fully.

72. What is the difference between the powers of a justice of the peace and a police justice?

73. What is meant by a court of record?

74. Are the salaries of judges too high? Why?

75. Is section 16 of this article necessary?

NOTE—One would require but little effort of thought to determine that the functions of a jury are to determine the matters of fact in an action, and those of the judge to expound the law.

76. Is section 17 a wise one?

ARTICLE V.—IMPEACHMENT.

77. What is an impeachment?

78. If an officer be impeached, what penalty follows?

ARTICLE VI.—ELECTIONS AND ELECTIVE RIGHTS.

79. Why should voters be free from arrest on election day?

80. What is the object of making election day "on the Tuesday succeeding the first Monday of November"?

ARTICLE VII.—REVENUE AND TAXATION.

81. What is the best system of taxation? Why?

82. Why should there be any exemptions in taxation?

ARTICLE VIII.—STATE, COUNTY AND MUNICIPAL
INDEBTEDNESS.

83. Was it wise to limit the amount of the state's indebtedness?

84. Why is section 5 a good provision?

85. Are the limitations expressed in section 6 wise?

ARTICLE IX.—EDUCATION.

This subject has been treated so fully in the chapter on the school that it is not necessary to go into an analysis of this article of the constitution.

ARTICLE X.—MILITIA.

86. Why does the state need militia?

87. Should citizens be drilled in military duties?

88. If all citizens of the state should declare they have conscientious scruples against bearing arms, would such declaration render this article of the constitution inoperative?

ARTICLE XI.—COUNTY, CITY AND TOWNSHIP
ORGANIZATION.

89. Why was the provision for township organization made?

ARTICLE XII.—CORPORATIONS OTHER THAN
MUNICIPAL.

90. Why should corporations be formed?

NOTE—This long article of the constitution covers matters provisions for which should be made by legislative enactment. It embraces subjects which belong rather to statute than to constitutional law. *Query*—Can you find anything like this article in the constitution of the United States?

ARTICLE XIII.—STATE INSTITUTIONS.

91. What other state institutions, if any, besides those established are needed?

ARTICLE XIV.—SEAT OF GOVERNMENT.

92. Can the seat of government ever be removed from Olympia? How?

93. Should it be done? Why?

ARTICLE XV.—HARBORS AND TIDE WATERS.

94. Should not article XV be the subject of the statutes rather than the constitution?

ARTICLE XVI.—SCHOOL AND GRANTED LANDS.

95. Why should this article be made a matter of constitutional law?

ARTICLE XVII.—TIDE LANDS.

NOTE—It is difficult to see why this article was made a part of the state constitution.

ARTICLE XVIII.—STATE SEAL.

NOTE—Unlike the three preceding articles, this is very appropriate in the constitution, and a better and more appropriate design could not have been found. A cut of the seal is given on the title page of this supplement.

ARTICLE XIX.—EXEMPTIONS.

NOTE—This article contains a matter belonging to statute law rather than the constitution, yet the provision is a good one.

ARTICLE XX.—PUBLIC HEALTH AND VITAL STATISTICS.

NOTE—The framers of the constitution seemed to mistake their functions at times and go into legislation rather than to frame a constitution embracing only the fundamental principles of government.

ARTICLE XXI.—WATER AND WATER RIGHTS.

NOTE—The necessity for irrigation in some parts of the state was perhaps the cause of the insertion of this article in the constitution.

ARTICLE XXII.—LEGISLATIVE APPORTIONMENT.

NOTE—The matter of this article has been given elsewhere in this chapter.

ARTICLE XXIII.—AMENDMENTS.

NOTE—Several amendments have been offered to the constitution and submitted to a vote of the people, but none of them have prevailed.

ARTICLE XXIV.—BOUNDARIES.

96. Why should the boundaries of the state be made a part of the constitution?

ARTICLE XXV.—JURISDICTION.

97. Why should the United States rather than the state have jurisdiction over forts, arsenals, lighthouses, etc.?

ARTICLE XXVI.—COMPACT WITH THE UNITED STATES.

98. Should universal toleration of opinion be granted the people by the constitution? Why?

99. Should the United States have jurisdiction of the public lands? Why?

100. Was it right for the state when admitted to assume the debts and liabilities of the Territory of Washington? Why?

101. Why should the state guarantee the maintenance of a system of public schools?

ARTICLE XXVII.—SCHEDULE.

102. Was it necessary to make the provisions of this article in changing from a territorial to a state government?

103. Is this article or any part of it still needed?

104. What provisions should a state constitution make?

105. Carefully distinguish between constitutional matter and statute matter.

106. Write a general review of the state constitution and show how it might be abridged without affecting its potency as a charter of the rights and liberties of the people.

107. Which is the easier to accomplish, change a bad statute or a bad provision of the constitution?

LIST OF TERRITORIAL OFFICERS.

GOVERNORS.

Isaac I. Stevens,	-	-	-	-	1853 to 1857
Fayette McMullen,	-	-	-	-	1857 to 1859
Richard D. Gholson,	-	-	-	-	1859 to 1861
W. H. Wallace,	-	-	-	-	1861 to 1862
William Pickering,	-	-	-	-	1862 to 1866
George E. Cole,	-	-	-	-	1866 to 1867
Marshall F. Moore,	-	-	-	-	1867 to 1869
Alvin Flanders,	-	-	-	-	1869 to 1870
Edward S. Salomon,	-	-	-	-	1870 to 1872
Elisha P. Ferry,	-	-	-	-	1872 to 1880
W. A. Newell,	-	-	-	-	1880 to 1884
Watson C. Squire,	-	-	-	-	1884 to 1887
Eugene Semple,	-	-	-	-	1887 to 1889
Miles C. Moore,	-	-	-	-	1889 (7 months.)

SECRETARIES.

Charles H. Mason,	-	-	-	-	1853 to 1857
H. M. McGill,	-	-	-	-	1857 to 1860
L. J. S. Turney,	-	-	-	-	1860 to 1862

Elwood Evans,	-	-	-	-	1862 to 1867
E. L. Smith,	-	-	-	-	1867 to 1870
James Scott,	-	-	-	-	1870 to 1872
J. C. Clements,	-	-	-	-	1872 to 1873
Henry G. Struve,	-	-	-	-	1873 to 1879
N. H. Owings,	-	-	-	-	1879 to 1889
O. C. White,	-	-	-	-	1889 to Statehood

TREASURERS.

William Cock,	-	-	-	-	1854 to 1861
D. Phillips,	-	-	-	-	1861 to 1863
William Cock,	-	-	-	-	1863 to 1864
Benjamin Harned,	-	-	-	-	1864 to 1865
James Tilton,	-	-	-	-	1865 to 1867
Benjamin Harned,	-	-	-	-	1867 to 1870
Hill Harmon,	-	-	-	-	1870 to 1871
J. H. Munson,	-	-	-	-	1871 to 1872
E. T. Gunn,	-	-	-	-	1872 to 1874
Francis Tarbell,	-	-	-	-	1874 to 1880
Thomas N. Ford,	-	-	-	-	1880 to 1886
William McMicken,	-	-	-	-	1886 to 1888
Frank I. Blodgett,	-	-	-	-	1888 to Statehood

AUDITORS.

Urban E. Hicks,	-	-	-	-	1858 to 1859
A. J. Moses,	-	-	-	-	1859 to 1860
J. C. Head,	-	-	-	-	1860 to 1862
R. M. Walker,	-	-	-	-	1862 to 1864
Urban E. Hicks,	-	-	-	-	1864 to 1867
John M. Murphy,	-	-	-	-	1867 to 1870

J. G. Sparks, -	-	-	-	-	1870 to 1871
N. S. Porter, -	-	-	-	-	1871 to 1872
John M. Murphy, -	-	-	-	-	1872 to 1874
John R. Wheat, -	-	-	-	-	1874 to 1876
Thomas M. Reed, -	-	-	-	-	1876 to 1888
John M. Murphy, -	-	-	-	-	1888 to Statehood

CHIEF JUSTICES.

Edward Lander, -	-	-	-	-	1853 to 1858
O. B. McFadden, -	-	-	-	-	1858 to 1861
C. C. Hewitt, -	-	-	-	-	1861 to 1869
B. F. Dennison, -	-	-	-	-	1869 to 1870
William L. Hill, -	-	-	-	-	1870 to 1871
Orange Jacobs, -	-	-	-	-	1871 to 1875
J. R. Lewis, -	-	-	-	-	1875 to 1879
Roger S. Greene, -	-	-	-	-	1879 to 1887
Richard A. Jones, -	-	-	-	-	1887 to 1888
C. E. Boyle, -	-	-	-	-	1888 (Died, December.)
Thomas Burke, -	-	-	-	-	1888 to 1889
C. H. Hanford, -	-	-	-	-	1889 to Statehood.

ASSOCIATE JUSTICES.

Victor Monroe, -	-	-	-	-	1853
F. A. Chenoweth, -	-	-	-	-	1853 to 1858
O. B. McFadden, -	-	-	-	-	1853 to 1858
William Strong, -	-	-	-	-	1858 to 1861
E. C. Fitzhugh, -	-	-	-	-	1858 to 1861
J. E. Wyche, -	-	-	-	-	1861 to 1870
E. P. Oliphant, -	-	-	-	-	1861 to 1867
C. B. Darwin, -	-	-	-	-	1867

B. F. Dennison, -	-	-	-	-	1868 to 1869
Orange Jacobs, -	-	-	-	-	1869 to 1870
James K. Kennedy, -	-	-	-	-	1870 to 1873
J. R. Lewis, -	-	-	-	-	1873 to 1875
Roger S. Greene, -	-	-	-	-	1871 to 1879
S. C. Wingard, -	-	-	-	-	1875 to 1879
John P. Hoyt, -	-	-	-	-	1879 to 1887
George Turner, -	-	-	-	-	1884 to 1888
L. B. Nash, -	-	-	-	-	1888 to 1889
W. G. Langford, -	-	-	-	-	1886 to Statehood
Frank Allyn, -	-	-	-	-	1887 to Statehood
W. H. Calkins, -	-	-	-	-	1889 to Statehood

ATTORNEY GENERAL.

J. B. Metcalfe, -	-	-	-	-	1888 to Statehood
-------------------	---	---	---	---	-------------------

DELEGATES TO CONGRESS.

Columbia Lancaster, -	-	-	-	-	-	1853
William H. Wallace, -	-	-	-	-	-	1854
J. Patton Anderson, -	-	-	-	-	-	1855
Isaac I. Stevens, -	-	-	-	-	-	1857
Isaac I. Stevens, -	-	-	-	-	-	1859
William H. Wallace, -	-	-	-	-	-	1861
George E. Cole, -	-	-	-	-	-	1863
Arthur A. Denny, -	-	-	-	-	-	1865
Alvin Flanders, -	-	-	-	-	-	1867
Salucius Garfield, -	-	-	-	-	-	1869
Salucius Garfield, -	-	-	-	-	-	1870
O. B. McFadden, -	-	-	-	-	-	1872
Orange Jacobs, -	-	-	-	-	-	1874

Orange Jacobs,	-	-	-	-	-	-	1876
Thomas H. Brents,	-	-	-	-	-	-	1878
Thomas H. Brents,	-	-	-	-	-	-	1880
Thomas H. Brents,	-	-	-	-	-	-	1882
Charles S. Voorhees,	-	-	-	-	-	-	1884
Charles S. Voorhees,	-	-	-	-	-	-	1886
John B. Allen,	-	-	-	-	-	-	1888

U. S. SURVEYOR-GENERALS.

James Tilton,	-	-	-	-	-	1853 to 1860
A. G. Henry,	-	-	-	-	-	1864 to 1866
Salucius Garfelde,	-	-	-	-	-	1866 to 1869
Elisha P. Ferry,	-	-	-	-	-	1870 to 1872
L. B. Beach,	-	-	-	-	-	1873
William McMicken,	-	-	-	-	-	1873 to 1886
J. C. Breckinridge,	-	-	-	-	-	1886 to 1889
T. H. Cavanaugh,	-	-	-	-	-	1889 to Statehood

U. S. ATTORNEYS.

J. S. Clendenin,	-	-	-	-	-	1853 to 1856
H. R. Crosbie,	-	-	-	-	-	1856 to 1857
J. S. Smith,	-	-	-	-	-	1857 to 1859
B. P. Anderson,	-	-	-	-	-	1859 to 1861
J. J. McGilvra,	-	-	-	-	-	1861 to 1867
Leander Holmes,	-	-	-	-	-	1867 to 1873
Samuel C. Wingard,	-	-	-	-	-	1873 to 1874
John B. Allen,	-	-	-	-	-	1875 to 1886
William H. White,	-	-	-	-	-	1886 to Statehood

U. S. MARSHALS.

J. P. Anderson,	-	-	-	-	1853 to 1855
G. W. Corliss,	-	-	-	-	1856 to 1858
Charles E. Weed,	-	-	-	-	1859 to 1862
William Huntington,	-	-	-	-	1863 to 1868
Philip Ritz,	-	-	-	-	1869 to 1870
E. S. Kearney,	-	-	-	-	1870 to 1874
Charles Hopkins,	-	-	-	-	1875 to 1886
T. J. Hamilton,	-	-	-	-	1886 to Statehood

LIST OF STATE OFFICERS.

GOVERNORS.

Elisha P. Ferry,	-	-	-	-	1889 to 1893
John H. McGraw,	-	-	-	-	1893 to 1897
John R. Rogers,	-	-	-	-	1897

LIEUTENANT-GOVERNORS.

Charles E. Lawton,	-	-	-	-	1889 to 1893
F. H. Luce,	-	-	-	-	1893 to 1897
Thurston Daniels.	-	-	-	-	1897

SECRETARIES OF STATE.

Allen Weir,	-	-	-	-	1889 to 1893
James H. Price,	-	-	-	-	1893 to 1897
Will D. Jenkins,	-	-	-	-	1897

AUDITORS.

T. M. Reed, -	-	-	-	-	1889 to 1893
*L. R. Grimes, -	-	-	-	-	1893 to 1897
Neal Cheatham, -	-	-	-	-	1897

TREASURERS.

A. A. Lindsley, -	-	-	-	-	1889 to 1893
Ozra A. Bowen, -	-	-	-	-	1893 to 1897
C. W. Young, -	-	-	-	-	1897

COMMISSIONERS OF PUBLIC LANDS.

W. T. Forrest, -	-	-	-	-	1889 to 1893
W. T. Forrest, -	-	-	-	-	1893 to 1897
Robert Bridges, -	-	-	-	-	1897

ATTORNEY-GENERALS.

W. C. Jones, -	-	-	-	-	1893 to 1897
Patrick H. Winston, -	-	-	-	-	1897

SUPERINTENDENTS OF PUBLIC INSTRUCTION.

Robert B. Bryan, -	-	-	-	-	1889 to 1893
Charles W. Bean, -	-	-	-	-	1893 to 1897
Frank J. Browne, -	-	-	-	-	1897

STATE PRINTERS.

O. C. White, -	-	-	-	-	1893 to 1897
Gwyn Hicks, -	-	-	-	-	1897

*Mr. Grimes died before his term of office expired, and his place was filled by the appointment of J. E. Frost.

UNITED STATES SENATORS.

John B. Allen,	-	-	-	-	-	1889 to 1893
Watson C. Squire,	-	-	-	-	-	1889 to 1891
Watson C. Squire,	-	-	-	-	-	1891 to 1897
John L. Wilson,	-	-	-	-	-	1895
George Turner,	-	-	-	-	-	1897

REPRESENTATIVES TO CONGRESS.

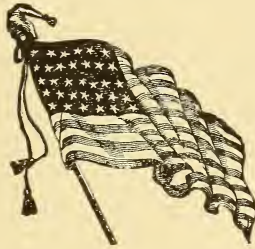
John L. Wilson,	-	-	-	-	-	1889 to 1890	***
John L. Wilson,	-	-	-	-	-	1890 to 1892	
John L. Wilson,	-	-	-	-	-	1892 to 1894	
W. H. Doolittle,	-	-	-	-	-	1892 to 1894	
W. H. Doolittle,	-	-	-	-	-	1894 to 1897	
Samuel C. Hyde,	-	-	-	-	-	1894 to 1897	
James H. Lewis,	-	-	-	-	-	1897	
W. C. Jones,	-	-	-	-	-	1897	

PART III.

CONSTITUTION

—OF THE—

UNITED STATES



—WITH—

Notes and Suggestive Questions.

CHAPTER XIII.

INTRODUCTION AND PREAMBLE.

384. Preliminary Statement. In order to understand the nature and objects of the provisions of the constitution of the United States, it is necessary to know something of the origin and settlement of the thirteen states originally composing the Union, and their political relations at the time of the adoption of the constitution. At the outset, then, we must briefly review the history of the thirteen colonies, their governments, their confederation, origin of the revolution, and their government during the revolution.

385. The Thirteen American Colonies. The original thirteen states which declared themselves free and independent on the 4th of July, 1776, were New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia. Prior to this date they had been subject to the authority of the government of Great Britain.

386. Settlement of the Colonies. King James I in 1606 granted all the lands lying on the Atlantic coast between the thirty-fourth and the forty-fifth degrees of north latitude and the islands adjacent, within one hundred miles, which were not then possessed by any

Christian prince or people to two companies. The first, or southern colony, was granted all the lands between the thirty-fourth and the forty-first parallels; and the second, or northern colony, was granted all the lands between the thirty-eighth and forty-fifth parallels, but not within one hundred miles of the prior colony. Each colony was to have exclusive title to all territory within fifty miles of the seat of its first plantation. The southern colony was named Virginia. The proprietors of the northern colony were called the Plymouth Company. The states south of the Potomac River had their origin from Virginia; the New England states were founded by the Plymouth Company.

387. Subjects of Great Britain. These two companies were authorized by charters to plant colonies of English subjects within their respective territories, who with their children born in the colonies were declared to possess all liberties, franchises and immunities belonging to the subjects of the crown of England anywhere within the realm or other dominions of that crown.

388. Date of Settlements. Virginia was the first colony settled in 1607 at Jamestown. The colony of Plymouth was settled in 1620 at Plymouth, Massachusetts. The colony of Massachusetts was settled in 1628. The Plymouth and Massachusetts colonies were united in 1692. New Hampshire was settled in 1629, Maryland in 1632, Connecticut in 1635, Rhode Island in 1636, New York in 1662, North and South Carolina in 1663, New Jersey in 1664, Pennsylvania in 1681,

Delaware in 1682, and Georgia in 1732. These dates refer to the permanent English settlements.

389. Colonial Governments. There were three forms of government in the colonies prior to the revolution: (1) Provincial, (2) proprietary, (3) charter.

390. Provincial Governments. This form of government was under the immediate authority of the king of England, who appointed royal governors with commissions and instructions for the administration of the governmental affairs of the colony. They had no constitution, but were subject to the pleasure of the king. The commissions from the king also provided a council who were to assist the governor in the performance of his duty and form a branch of the colonial legislature. The other branch consisted of representatives elected by the free-holders of the colony. The provincial assemblies, composed of the governor, the council and the representatives, convened from time to time with power to make local laws and ordinances not repugnant to the laws of England. The representatives composed the lower house, the council the upper house, and the governor had a negative upon all their proceedings. The governor appointed the judges and other officers of the province. At the beginning of the revolution New Hampshire, New York, Virginia, North Carolina, South Carolina and Georgia had provincial governments.

391. Proprietary Governments. This form of colonial government consisted of grants from the crown to one or more persons called proprietary, or proprietaries,

conveying to them the right to certain territory with general powers of government. This form of government resembled the old feudal system. The proprietary or proprietaries appointed the governor, and the legislature was organized according to his or their will. The appointment of officers and other executive functions were exercised either by the proprietary or proprietaries, or by their chosen governor. At the beginning of the revolution Maryland, with Lord Baltimore as proprietary, and Pennsylvania and Delaware with William Penn as proprietary, had proprietary governments.

392. Charter Governments. This form of colonial government consisted of political corporations created by the crown, conferring on the grantees the territory within certain limits, with the power of legislation and other functions of government. The charters were constitutions for the colonies, in which all the departments of government were provided. The only charter governments at the beginning of the revolution were those of Massachusetts, Rhode Island, and Connecticut.

393. Governed by the Common Law of England. In all the colonies the common law of England, as far as applicable, was made the basis of their jurisprudence. The colonists claimed the benefits of this law as their birthright and inheritance. The common law became the guardian of their civil and political rights; it protected their liberties, it nurtured their growth, it planted in their minds the spirit of independence, and when the mother country attempted to abridge the great privi-

leges of the colonies by denying them the wholesome protection of the common law they resorted to arms to defend their birthright, and triumphed over tyranny, and gave to their posterity the blessings of the freest and best government on earth.

394. Origin of the Revolution. Prior to the revolution the colonies recognized the sovereign power of the king of England. They had a common origin and owed a common allegiance, yet they had no direct political connection with one another. The colonies had no political relations with foreign nations, but followed the fortunes of the mother country, both in peace and in war. Nevertheless the colonies were not entirely alien to one another. Every colonist had the privilege to own lands in, trade in, or inhabit any colony he pleased. He was free to go from one colony to another as if they were the parts of the same country. This led to their union when their safety demanded a co-operation. The parliament of Great Britain claimed the right to legislate over the colonies in all cases, and when the attempt was made to exercise the power of internal legislation and taxation, as was done by the stamp act in 1765, the colonies formed a confederacy and boldly resisted the tyranny.

395. Declaration of Rights. The first continental congress in 1774 adopted a declaration of the rights of the colonies in substance as follows:

(1) That they are entitled to life, liberty and property, and they have never ceded to any power a right to dispose of either without their consent.

(2) That their ancestors, who first settled the colonies, were entitled to all the rights, liberties and immunities of free and natural-born subjects within the realm of England.

(3) That by emigration they had not forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to them.

(4) That the foundation of English liberty is a right in the people to participate in their legislative councils; and as the English colonists are not represented, and from their local and other circumstances cannot properly be represented in the British parliament, they are entitled to a free and exclusive power to legislate for themselves in all cases of taxation and internal polity, subject only to the negative of their sovereign according to established usage.

(5) That the respective colonies are entitled to the common law of England, and more especially the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

(6) That the colonies are entitled to the benefit of such of the English statutes as existed at the time of their colonization, and which they have by experience found applicable to their several local and other circumstances.

(7) That they are entitled to all the immunities and privileges granted to them by royal charters, or secured to them by their several codes of provincial law.

(8) That they have a right peaceably to assemble, consider their grievances and petition the king, and that

all prosecutions, prohibitory proclamations and commitments for the same are illegal.

(9) That the keeping of a standing army in these colonies in time of peace without the consent of the legislature of that colony in which such army is kept is against law.

(10) That it is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that therefore the exercise of legislative power in several colonies by a council appointed during pleasure by the crown is unconstitutional, dangerous, and destructive to the freedom of American legislation. The principles enumerated in this declaration of rights were defended by our revolutionary forefathers until independence was gained and admitted by Great Britain by the treaty of 1783.

396. Revolutionary Government. During the revolutionary war the colonies were joined in a league for common safety, and were governed by a congress composed of representatives of the several colonies. This congress constituted the national government, and conducted the national affairs until the close of the war.

397. The First Continental Congress. In 1774 Massachusetts recommended that a continental congress, composed of delegates from all the colonies, assemble at Philadelphia to deliberate on the common welfare, and to provide plans for future operations. This congress convened on the 4th of September,

1774, and completed an organization by electing officers and adopting rules for the government of their proceedings. Each colony was given one vote in this congress. They made and adopted the declaration of rights, and such other measures as the condition of affairs seemed to require. They proposed the forming of another congress and then adjourned.

398. The Second Continental Congress. On May 10, 1775, the second continental congress, composed as the first, convened at Philadelphia and adopted many important measures, and finally in 1776 adopted the Declaration of Independence, which was almost unanimously ratified by the people. This congress conducted the affairs of the national government until near the close of the war, when the articles of confederation were adopted by all the states. The powers which the continental congress exercised were assumed as the exigencies of public affairs required. These powers originated from necessity and were limited by events. They were revolutionary powers, and the dangers of the times caused the people to trust implicitly in the integrity, wisdom and patriotism of their representatives. The trust was well founded, for a wiser, more patriotic body of men never assembled in the annals of history.

399. Historical Sketch of the Confederation. The continental congress desired to provide the means of a permanent union of all the colonies under the government. After discussing the question at the several sessions, they, in November, 1777, formed a govern-

ment consisting of the articles of confederation, which they sent to all the colonies for adoption. In March, 1781, Maryland, the last state to do so, adopted the articles, and they went into operation

400. An Eminent Statesman's Opinion. It was said by a prominent statesman that the continental congress have power by the articles of confederation for the following purposes without the ability to execute one of them: "They may make and conclude treaties, but can only recommend the observance of them. They may appoint ambassadors, but they cannot defray even the expenses of their tables. They may borrow money in their own name, or the faith of the Union, but they cannot pay a dollar. They may coin money, but they cannot import an ounce of bullion. They may make war, and determine what number of troops are necessary, but they cannot raise a single soldier. In short, they may declare everything, but they can do nothing."

401. Defects of the Articles of Confederation. The articles of confederation were defective in the following particulars:

(1) The continental congress had not the authority to carry any of their enactments into effect. They could not legislate in regard to individuals, but could only recommend measures to the states. The states disregarded many of the measures so recommended.

(2) The continental congress could not punish individuals for any violations of their enactments. Individuals obeyed the laws of the congress when it

suited their convenience, and disregarded them with impunity whenever they saw fit to do so.

(3) The continental congress had no power to levy taxes or collect revenue for the public service. This frequently left them without the necessary means to carry on the war, and they were enabled to keep up their resistance to Great Britain only by means secured by loans from foreign countries and the public spirit of certain individuals, as, for instance, Robert Morris, who though rich, became bankrupt to aid his country. And after the close of the war, in 1783, the states refused to furnish the means to congress to defray the necessary governmental expenses and pay the interest on the public debt.

(4) The continental congress had no power to regulate commerce, either domestic or foreign. The result was the greatest confusion among the commercial relations of the several states. Neighboring states enacted retaliatory laws in regard to commerce. Foreign nations profited by this confusion. There were many other defects in the articles of confederation which rendered them unfit as a charter of the liberties of the people. It was evident to the minds of the statesmen of that time that something must be done to remedy the defects, or the American Union would perish and the fruits of the revolution be destroyed.

402. **Origin of the Constitution.** In September, 1786, a convention consisting of delegates from five states was held at Annapolis to consider the state of trade and suggest means to promote harmony among

the states. They adopted a report to be laid before the continental congress, advising the latter to call a general convention of commissioners from all the states to meet in Philadelphia in May, 1787, to revise the articles of confederation. Congress acted accordingly, and passed a resolution assembling the convention.

403. The Framing of the Constitution. The convention assembled at Philadelphia. All the states were represented except Rhode Island. After several plans of government had been discussed and a protracted deliberation held during a period of four months, in which there was great diversity of opinion, finally on the 17th of September, 1787, the present Constitution of the United States was framed, adopted and recommended to the people of the several states for ratification.

404. Ratification of the Constitution. The constitution was ratified by all the states except North Carolina and Rhode Island within a brief period. The assent of nine states was required to make the constitution operative. This was accomplished in September, 1788, and the new government went into effect. Afterward North Carolina adopted the constitution in November, 1789, and Rhode Island in May, 1790. Then the constitution became the supreme law for all the people of the thirteen states.

CONSTITUTION OF THE UNITED STATES.

The constitution is the great charter of our liberty and deserves the most careful study. We will begin with the

PREAMBLE. We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings and liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

SUGGESTIVE QUESTIONS AND NOTES.

[It has been our aim in preparing these questions, as in the other parts of the book, to make them suggestive of other matter than that of the text, and thus lead the student to original investigation and thought, and additional reading.]

1. Why is it necessary to know the early history and government of the colonies to understand our constitution?

2. How did Great Britain obtain authority over the thirteen colonies?

3. What right had King James to grant lands in America?

4. How did the colonists of Virginia and New England differ in character? [See any good U. S. History.]

5. Name the colonies formed within the grant of the Plymouth Company, the London Company.

6. Name the various objects of the several settlements made in the colonies.

7. In what way were the three forms of colonial government alike? How did they differ?

8. Why were most of the colonies under provincial governments at the beginning of the revolution?

9. What is meant by "The Common Law?"

10. Name other causes of the revolution than those mentioned in the text.

11. What law gave the colonists the rights enumerated in the declaration of the first continental congress?

12. Was this declaration founded on justice?

13. What form of government prevailed during the revolution?

14. Why did Massachussetts take the lead in recommending the organization of the continental congress?

15. What two colonies were leaders in the revolution? Why?

16. How long did the government under the second continental congress exist?

17. If the constitution had not been made to take the place of the articles of confederation, how long would the national government probably have lasted?

18. What opposition was made to the adoption of the constiution? [See any good U. S. History.]

19. Commit the preamble to memory.

20. Is the constitution a league, or confederacy of the states? Give a reason for your answer.

21. What was the *first* object of the framers of the constitution? What led to this?

NOTE.—Story says that Abbe Mably remarked: That "neighboring states are naturally enemies of each other, unless their common weakness forces them

to league in a confederative republic, and their constitution prevents the differences that neighborhood occasions, extinguishing that secret jealousy which disposes all states to aggrandize themselves at the expense of their neighbors."

22. If the states of the Union should separate into distinct confederacies, how many such confederacies would there probably be? Give reason for your answer.

23. What lines of division would trace the geographical boundaries of these confederacies?

HINT.—Think of the several local interests of our country; such as influence commerce, manufacturing, mining, agriculture, etc.

24. Give several reasons why the Union of all the states is essential to the welfare of the people.

25. What was the *second* object of the framers of the constitution?

26. Why is justice essential to any form of civil government?

27. How should justice be administered?

28. Granted that the attainment of justice is the foundation upon which all the state governments rest; in what respects does the formation of a national government better tend to establish justice?

29. What is the *third* object of the framers of the constitution?

30. What is meant by "domestic tranquility"?

31. Were there any dissensions among the confederated states before they were bound together by the constitution? If so, state what they were.

32. Are factions more violent in small than in large communities?

33. How does a national government tend to disarm the violence of domestic factions in small states?

34. What was the *fourth* object of the framers of the constitution?

35. What is the best means of preserving peace?

36. How does the Union insure a strong defense of the liberties of the people?

37. Is it necessary for the United States to maintain a large standing army? Why?

38. What was the *fifth* object of the framers of the constitution?

39. Why could not the general welfare of the people be promoted without a union of the states?

40. Would the general welfare be affected by the jealousy, or competition, or local interests of neighboring states not joined under one government?

41. What was the *sixth* object of the framers of the constitution?

42. Could a nobler purpose have actuated the makers of our constitution than that of framing a charter for the perpetuity of our liberty?

CHAPTER XIV.

THE LEGISLATIVE DEPARTMENT.

ARTICLE I—LEGISLATIVE DEPARTMENT.

SECTION I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. II.—CLAUSE 1. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

CLAUSE 2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

CLAUSE 3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other

persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

CLAUSE 4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

CLAUSE 5. The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SEC. III.—CLAUSE 1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

CLAUSE 2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the

second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

CLAUSE 3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

CLAUSE 4. The vice-president of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

CLAUSE 5. The senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

CLAUSE 6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

CLAUSE 7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and

subject to indictment, trial, judgment, and punishment, according to law.

SEC. IV.—CLAUSE 1. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

CLAUSE 2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.—CLAUSE 1. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

CLAUSE 2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

CLAUSE 3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

CLAUSE 4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.—CLAUSE 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and, for any speech or debate in either house, they shall not be questioned in any other place.

CLAUSE 2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.—CLAUSE 1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

CLAUSE 2. Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that

house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

CLAUSE 3. Every order, resolution, or vote to which the concurrence of the senate and house of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.—CLAUSE 1. The congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the

common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

CLAUSE 2. To borrow money on the credit of the United States;

CLAUSE 3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

CLAUSE 4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

CLAUSE 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

CLAUSE 6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

CLAUSE 7. To establish post-offices and post-roads;

CLAUSE 8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;

CLAUSE 9. To constitute tribunals inferior to the Supreme Court;

CLAUSE 10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

CLAUSE 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

CLAUSE 12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

CLAUSE 13. To provide and maintain a navy;

CLAUSE 14. To make rules for the government and regulation of the land and naval forces;

CLAUSE 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

CLAUSE 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress;

CLAUSE 17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—And

CLAUSE 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION IX.—CLAUSE 1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

CLAUSE 2 The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

CLAUSE 3. No bill of attainder or *ex post facto* law shall be passed.

CLAUSE 4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

CLAUSE 5. No tax or duty shall be laid on articles exported from any state.

CLAUSE 6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state be obliged to enter, clear, or pay duties in another.

CLAUSE 7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

CLAUSE 8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent

of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X.—CLAUSE 1. No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

CLAUSE 2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

CLAUSE 3. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

SUGGESTIVE QUESTIONS AND NOTES.

ARTICE I.—SECTION I.

1. Why should congress consist of two distinct bodies?

2. How does it place a check on undue, hasty and oppressive legislation?

3. Is there always a tendency of public bodies to accumulate power, patronage and influence in their own hands?

4. Might a few popular leaders, by their combinations and intrigues, in a single body, carry their own personal, private, or party objects into effect, unconnected with the public good?

5. Is it a public advantage to secure a deliberate review of the same measures, by independent minds, in different branches of the legislative department of government, organized upon a different system of election?

6. How is great security to public liberty afforded by the co-operation of different legislative bodies which do not embrace the same *sectional* or *local* interests or influences in their organizations?

SECTION II.—CLAUSE I.

7. Why should the representatives be chosen by the people?

8. Give reasons why the term of office of a representative should be *two* years.

9. Who are entitled to vote for representatives at the biennial elections?

CLAUSE 2.

10. What was the object of requiring representatives to be at least twenty-five years old?

11. Is a young man apt to be cautious and careful in considering public affairs?

12. Why should not aliens be made representatives?

13. Can a naturalized citizen acquire a reasonable familiarity with the principles of our institutions and with the interests of the people in seven years?

14. Why should a representative be an inhabitant of the state which he represents?

CLAUSE 3.

NOTE.—This clause of the constitution was designed as a compromise measure between the free and the slave states, and since the emancipation of slaves is, in part, obsolete. Direct taxes are seldom levied by the general government.

15. Why should each state have at least one representative?

16. This clause is one of the few weak parts of the constitution. Why?

CLAUSE 4.

17. Why should the filling of vacancies in the representation be given to the executive of a state?

18. How must he execute this function of his office?

CLAUSE 5.

19. Why should the representatives choose their own presiding officer?

20. Why was the sole power of impeachment placed in the hands of the representatives?

21. What is impeachment?

SECTION III.—CLAUSE 1.

22. Is a senate necessary?
23. Give seven reasons for your answer to the 22d question.
24. What was the object of the framers of the constitution in giving two senators to each state without regard to population?
25. Is the provision of the constitution for choosing senators a wise one? Why?
26. Why was the term of a senator made six years?

CLAUSE 2.

27. Why are senators divided into three classes?
28. Why does the constitution make a different provision for filling vacancies in the senate from that in the house?

CLAUSE 3.

29. Why was the minimum age of a senator made thirty years?
30. Why should a senator be nine years a citizen of the United States?
31. Why should he be an inhabitant of the state for which he is chosen?

CLAUSE 4.

32. Why was the vice-president made the presiding officer of the senate?
33. Why should he not have a vote, unless they be equally divided? Why then?

CLAUSE 5.

34. Why should the senators choose their own officers?

CLAUSE 6.

35. Why should the senate be given the sole power *to try* impeachments?

36. Is there any conflict between this clause and clause 5 of section II, of this article?

37. What are the great objects to be attained in the selection of a tribunal for the trial of impeachments?

NOTE.—Such a tribunal should be impartial, intelligent, independent, and of the highest degree of integrity.

38. Does the tribunal selected by the constitution possess these qualities?

39. Why should the senators while sitting as a court of impeachment be under oath or affirmation?

40. Why is the chief justice made the presiding officer of this tribunal when the president of the United States is tried and not for other officers?

41. What is the reason for requiring a two-third vote instead of a majority to convict of impeachment?

CLAUSE 7.

42. Why is the punishment for impeachment restricted to removal from and disqualification for office?

43. Why should an officer convicted on a charge of impeachment be still subject to trial by process of law for the same offense?

SECTION IV.—CLAUSE 1.

44. Why should the time, place and manner of

electing representatives and senators be left to the legislatures of the several states?

NOTE.—“The maxim of sound political wisdom is, that every government ought to contain in itself the means of its own preservation.”

45. Why should congress be given the power stated in the last part of this clause?

CLAUSE 2.

46. Why should congress assemble every year?

SECTION V.—CLAUSE 1.

47. Could the power to judge of the elections, returns, and qualifications of the members of each branch of congress be safely intrusted to any other body than that in which they claim a seat?

48. Why should a deliberative body have a fixed quorum for the transaction of business?

49. Is the provision making a majority of the members of each branch of congress a quorum a wise one? Why?

50. What is the object of the last provision of this clause?

CLAUSE 2.

51. Could the legislative business of the nation be transacted without the provisions of this clause? Why?

CLAUSE 3.

52. Why should the proceedings of congress be recorded and published?

53. Should any of the proceedings of congress be kept secret? If so, under what circumstances?

54. What is the object of recording the ayes and nays?

CLAUSE 4.

55. What is the object of this provision?

SECTION VI.—CLAUSE 1.

56. What is the present compensation of members of congress?

57. Why should members of congress be free from arrest while going to, attending upon, and returning from the sessions?

58. Why should perfect freedom of speech and debate be given members of congress?

CLAUSE 2.

59. What is the object of the provisions of this clause?

SECTION VII.—CLAUSE 1.

60. What reason can be given for the provision that all bills for raising revenue shall originate in the house of representatives?

CLAUSE 2.

61. Why should the president possess a qualified negative to legislation?

62. What might result if the president did not possess the veto power?

63. In what three ways may a bill become a law?

CLAUSE 3.

64. If it were not for the provision of this clause, how might congress effectually defeat the president's negative?

65. Why is an exception made in regard to adjournment?

SECTION VIII.—CLAUSE 1.

66. What is the true interpretation of this clause? Do the words, "Congress shall have power to lay and collect taxes, duties and excises," constitute a distinct clause and confer an independent power; and the words, "to pay the debts and provide for the common defense and general welfare of the United States," constitute another distinct clause, or are these latter words a dependent clause, merely qualifying the former clause?

67. What was the reason for making all duties, imposts, and excises uniform throughout the United States?

CLAUSE 2.

68. Why should congress be given power to borrow money on the credit of the United States?

CLAUSE 3.

69. What is meant by regulating commerce?

CLAUSE 4,

70. Why should uniform rules of naturalization and uniform bankrupt laws prevail throughout the United States?

71. What is naturalization?

CLAUSE 5.

72. What might be the result if each state had the power to coin money?

73. Why should there be a uniform system of weights and measures?

74. The decimal system of dollars and cents was substituted for the old awkward English system of pounds, shillings and pence. Was this a beneficial reform? How might it be extended?

75. Is the metric system legal in the United States? Is it used? If so, by whom?

CLAUSE 6.

76. What would result if counterfeiting should go unpunished?

CLAUSE 7.

77. Why should the postal system be controlled by the general government, rather than by the several states?

NOTE.—The postal system is one of the most useful establishments of our government. It circulates all kinds of useful information with speed and regularity.

CLAUSE 8.

78. Why should the power to grant copyright to authors and patent right to inventors be invested in the general government?

CLAUSE 9.

79. What is meant by "inferior tribunal"?

CLAUSE 10.

80. What is piracy? Felony?

81. What is meant by "offense against the law of nations"?

82. What is the meaning of the phrase "high seas"?

CLAUSE 11.

83. Why should the power to declare war belong exclusively to the general government?

84. What are "letters of marque and reprisal"?

CLAUSE 12.

85. How may the army at any time within two years be in effect dissolved by a majority of congress without the consent of the president?

86 Is congress liable to do this? Why?

CLAUSE 13.

87. Which is more important to the welfare and safety of the government, the army or the navy? Why?

88. Was a nation ever deprived of its liberty by its navy? By its army? If so, when?

CLAUSE 14.

89. Why should the government and regulation of the army and the navy be under the control of congress?

CLAUSE 15.

90. How does the militia differ from the regular army?

91. Why should congress have power over the militia?

92. Should the militia of one state be required to do duty in another state? Why?

CLAUSE 16.

93. Who is the commander-in-chief of the militia?

CLAUSE 17.

94. Why should the government of the District of Columbia be under the control of congress?

95. Why should all forts, magazines, arsenals, etc., be under the authority of congress?

CLAUSE 18.

NOTE.—This clause merely states a truism of government; the power to do a thing necessarily carries with it the necessary means to properly execute it.

SECTION IX.—CLAUSE 1.

96. What was the object of this provision of the constitution?

97. Was this clause general in its application?

98. If the people of the United States were to frame a new constitution, would this clause find a place in it? Why?

CLAUSE 2.

99. What is the writ of "*habeas corpus*?"

CLAUSE 3.

100. What is a "bill of attainder?" An "*ex post facto law*?"

CLAUSE 4.

NOTE.—The subject of taxation is one of the most important functions of government, and one of the most difficult to satisfactorily adjust.

CLAUSE 5.

101. Why should not duty be laid on exports from the states?

CLAUSE 6.

NOTE.—The difficulties in regard to inter-commerce among the states under the articles of confederation gave rise to this provision of the constitution.

CLAUSE 7.

102. What is the object of this clause?

CLAUSE 8.

103. Why should not the United States grant titles of nobility?

104. Why should not an officer of the United States receive favors from foreign sovereigns?

SECTION X.—CLAUSE 1.

105. Why should the states be prohibited from making treaties, alliances, confederations, etc.?

106. Has it ever been attempted by any of the states? What was the result?

107. Why should gold and silver coin be the only legal tender?

CLAUSE 2.

108. What is the object of this clause?

CLAUSE 3.

109. Under what circumstance can a state act independently of the general government?

CHAPTER XV.

THE EXECUTIVE DEPARTMENT.

ARTICLE II.—EXECUTIVE DEPARTMENT.

SECTION I.—CLAUSE 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected, as follows:

CLAUSE 2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

CLAUSE 3. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

CLAUSE 4. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years resident within the United States.

CLAUSE 5. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president; and such officer shall act accordingly until the disability be removed, or a president shall be elected.

CLAUSE 6. The president shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

CLAUSE 7. Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SECTION II.—CLAUSE 1. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective

offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

CLAUSE 2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

CLAUSE 3. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION III. He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully

executed, and shall commission all the officers of the United States.

SECTION IV. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

SUGGESTIVE QUESTIONS AND NOTES.

SECTION I.—CLAUSE 1.

1. Why should the executive function of our government be vested in one person?

2. Should the president be elected for a longer term than four years? Why?

CLAUSE 2.

3. What is a presidential elector?

NOTE—When the constitution was framed various methods of electing the president and vice-president were proposed. The following five methods may be mentioned: The choice to be made (1) by the national legislature, (2) by the state legislatures, (3) by the people at large, (4) by the people in districts, (5) by electors. The fifth method was adopted.

4. Would any of the other methods than that adopted be better? Why?

When the constitution was adopted it contained the following clause, which was repealed by the twelfth amendment:

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall, in like manner, choose the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states; and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.

5. Was it a wise measure to repeal it? Why?

CLAUSE 3.

6. Why is the provision of this clause a wise one?
7. What does a fixed time at which all the electoral votes shall be given have a tendency to do?

CLAUSE 4.

8. Why should the president be a natural-born citizen?
9. Why should he be at least thirty-five years of age?
10. Why should he have been fourteen years a resident of the United States when elected?

CLAUSE 5.

11. Why is this clause of the constitution a wise measure?
12. How many times in our history has the vice-president succeeded to the president's office?
13. Has a president of the United States ever resigned? Been removed?
14. What provision has congress made for the succession to the presidency in case of the inability of both the president and vice-president?

CLAUSE 6.

15. What is the salary of the president?
16. Why should it not be increased nor diminished during the period for which he shall be elected?
17. Why should not the president receive any other emolument from the United States than his salary?

CLAUSE 7.

18. Why should the president be required to take

an oath or affirmation before entering upon the duties of his office?

SECTION II.—CLAUSE 1.

19. Why should the president be commander-in-chief of the army and navy?

20. Why was the power of the president to require of heads of departments their opinion in writing made a matter of constitutional law?

21. Why are cases of impeachment excluded from the president's power to grant reprieves and pardons?

CLAUSE 2.

22. Why is the power to make treaties, etc., divided between the executive and the legislative departments of our government?

23. Why is the power of appointment one of the most important and delicate in a republican government?

24. Who has the power to remove officers?

CLAUSE 3.

25. Why is the president given the power mentioned in this clause?

SECTION III.

26. Why should the president give information to congress in regard to governmental affairs?

27. Why should the president have power to convene congress? To adjourn congress?

28. What is an ambassador? A public minister?

29. What means should the president use in taking care that the laws are faithfully executed?

30. Why is the commissioning of officers given exclusively to the president?

SECTION IV.

31. What is treason? Bribery?

32. What is meant by "high crimes"?

33. Has a president of the United States ever been impeached?

CHAPTER XVI.

THE JUDICIAL DEPARTMENT.

ARTICLE III.—JUDICIAL DEPARTMENT.

SECTION I. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.—CLAUSE I. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

CLAUSE 2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

CLAUSE 3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but, when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION III.—CLAUSE 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

CLAUSE 2. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

CLAUSE 3. The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

SUGGESTIVE QUESTIONS AND NOTES.

SECTION I.

1. Why should the judicial department of government be independent of all other departments?

2. What are the functions of the supreme court?
3. Why should the judges of the supreme court hold office during good behavior?

SECTION II.—CLAUSE 1.

4. What is meant by “all cases in law and equity”?
5. What is meant by “admiralty and maritime jurisdiction”?

CLAUSE 2.

6. What is original jurisdiction?
7. What is appellate jurisdiction?

CLAUSE 3.

8. What is a trial by jury?
9. Can a person be tried in a United States court for a crime “not committed within any state”? Explain

SECTION III.—CLAUSE 1.

NOTE—This clause defines the crime of treason.

CLAUSE 2.

10. Why should *two* witnesses be required to convict of treason?

CLAUSE 3.

11. What is meant by “corruption of blood”?

CHAPTER XVII.

GENERAL PROVISIONS.

SECTION I.—ARTICLE 4. Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SEC. II.—CLAUSE 1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

CLAUSE 2. A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.

CLAUSE 3. No person held to service or labor in one state under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.—CLAUSE 1. New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction

of any other state, nor any state be formed by the junction of two or more states, or parts of states without the consent of the legislatures of the states concerned as well as of the congress.

CLAUSE 2. The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

SEC. IV. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature or of the executive (when the legislature cannot be convened) against domestic violence.

SUGGESTIVE QUESTIONS AND NOTES.

SECTION I.

1. Explain the wisdom of this section of the constitution.

SECTION II.—CLAUSE 1.

2. Under our form of government would it do for citizens of one state to be regarded as aliens in another state? Why?

CLAUSE 2.

3. Show the wisdom of making the provisions of this clause constitutional law.

CLAUSE 3.

4. What was the object of this clause of the constitution?

SECTION III.—CLAUSE 1.

5. Why should not the territory of a state be divided in forming new states?

CLAUSE 2.

6. Why should the territory and property of the United States be under the control of congress?

SECTION IV.

7. Would it be possible to govern a state of the Union by any other than a republican form of government? Give reasons for your answer.

CHAPTER XVIII.

POWER OF AMENDMENT. MISCELLANEOUS PROVISIONS.

ARTICLE V.—POWER OF AMENDMENT.

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.—MISCELLANEOUS PROVISIONS.

CLAUSE I. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

CLAUSE 2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

CLAUSE 3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, *President,*
and Deputy from Virginia.

NEW HAMPSHIRE—John Langdon, Nicholas Gilman.

MASSACHUSETTS—Nathaniel Gorham, Rufus King.

CONNECTICUT—William Samuel Johnson, Roger Sherman.

NEW YORK—Alexander Hamilton.

NEW JERSEY—William Livingston, David Bearly, William Patterson, Jonathan Dayton.

PENNSYLVANIA—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA—John Blair, James Madison, Jr.

NORTH CAROLINA—William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA—William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, *Secretary*.

SUGGESTIVE QUESTIONS AND NOTES.

ARTICLE V.

1. In what two ways may amendments to the constitution be proposed?

2. In what two ways may amendments to the constitution be ratified?

3. What restriction in this article has lost its force? Why?

ARTICLE VI.—CLAUSE 1.

4. Why should the United States assume all debts and engagements entered into under the articles of confederation?

CLAUSE 2.

NOTE—This clause declares that the constitution is the supreme law of the land. The convention which framed the constitution had been assembled by the several states to revise the articles of confederation because they did not contain this important feature. This clause is the germ of our constitution, and upon its provision rests the stability of our government.

CLAUSE 3.

5. Why should all those intrusted with the execution of the functions of the national and state governments be bound by some solemn obligation to the due support of this constitution?

6. What is the difference between an oath and an affirmation?

7. Are each equally binding?

8. What effect should the taking of an oath or an affirmation have upon the mind of a reflecting person?

NOTE—The object of the latter part of this clause was to satisfy the minds of scrupulous persons who are repugnant to religious tests as a qualification for civil power or honor. But it has a more important aim. It is designed to sever all alliance between the church and state in the administration of our national

government. It is one of the wisest provisions of our constitution.

9.. Why should not the church and the state be connected?

10. Give some historical instances in which the personal liberties of the people of a state have been abused by religious bigotry, intolerance and persecution.

ARTICLE VII.

11. Give the dates of the ratification of the constitution by the several states. [See any good U. S. history.]

SUPPLEMENT TO CHAPTER XVIII.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in

cases arising in the land or naval forces, or in the militia, when in actual service in time of war and public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of common law.

ARTICLE VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX. The enumeration in the constitution

of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign states.

ARTICLE XII. The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons

having the highest numbers, not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately by ballot the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them before the fourth day of March next following, then the vice-president shall act as president as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president shall be the vice-president if such a number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

ARTICLE XIII.—SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive or judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. No person shall be a senator or representative in congress, or elector of president or vice-

president, or hold any office, civil or military, under the United States, or under any state, who having previously taken an oath as a member of congress or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may by a vote of two-thirds of each house remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pension and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. Congress shall have power to enforce by appropriate legislation the provisions of this article.

ARTICLE XV.—SECTION 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state on account of race, color or previous condition of servitude.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

SUGGESTIVE QUESTIONS AND NOTES.

NOTE—The first ten amendments to the constitution were proposed by congress September 25, 1789, were duly ratified, and went into force December 15, 1791.

The eleventh amendment was proposed March 5, 1794, and went into force January 8, 1798.

The twelfth amendment was proposed December 12, 1803, and declared in force September 25, 1804.

The thirteenth amendment was proposed January 31, 1865, and declared in force December 18, 1865.

The fourteenth amendment was proposed June 16, 1866, and declared in force July 28, 1868.

The fifteenth amendment was proposed February 27, 1869, and became a part of the constitution March 30, 1870.

ARTICLE I.

1. Why should there be no established religion under our government?

2. Why should every person have the free exercise of his religious opinions?

3. Why should the people enjoy the freedom of speech and press?

4. Should the right of the people to peaceably assemble and petition the government for redress of grievances ever be denied?

ARTICLE II.

5. Why should a well-regulated militia be maintained in every state?

ARTICLE III.

6. Has any government a right to quarter soldiers in the houses of private citizens?

NOTE—The governments of Europe have practiced the custom of quartering soldiers in the homes of their people, and it had been done by Great Britain in the colonies before the revolution. The custom is tyrannical, and this prohibition and those of the following article of our constitution are good ones which maintain the familiar maxim of liberty that every man's house is his castle.

ARTICLE IV.

NOTE—A well-known maxim is, "that an affirmation of a power in particular cases implies a negative of it in all other cases, and that a negation of power in some cases implies an affirmation of it in all others not denied." This is a sound and safe maxim, but it has frequently been misunderstood. This article of the constitution is to protect the rights of the people from any misinterpretation of this maxim.

ARTICLES V., VI., VII. and VIII. belong to the judicial department of our government and need not be further considered here. Familiarize yourself with their provisions.

ARTICLE IX.

7. What was the object of this amendment?

ARTICLE X.

8. Why was this amendment needed?

ARTICLE XI.

9. Why was this amendment made?

ARTICLE XII.

NOTE—This amendment was made to better the plan for electing the president and vice-president. Its adoption repealed clause 3 of article II. of the original constitution.

The chief differences between this and the original plan are:

(1) By the original plan several candidates were voted for as president, and after the president was chosen the candidate having the greatest number of votes of the electors was to be vice-president; if two or more had equal votes, the senate were to choose the vice-president from them by ballot. By the present plan the president and vice-president are voted for separately.

(2) By the original plan in case no choice of president was made by the electors, the choice was to be made by the house of representatives from the *five* highest on the list. The number is now reduced to *three*.

(3) By the original plan the vice-president need not have a majority of all the electoral votes but only a plurality. It is now necessary that he should have a majority of all the votes.

(4) By the original plan the choice of vice-president could not be made until after the election of the president. It can now be made by the senate

as soon as it is known that there is no choice by the electors.

(5) By the original plan no provision was made for the case of no choice of president by the house of representatives before the fourth of the following March. It is now provided that the vice-president act in such cases.

10. Was the change of plan a good one? Why?

ARTICLE XIII.

NOTE—This amendment embodies the greatest achievement of our government. The greatest anomaly in the annals of history was a *free* government that permitted slavery. The framers of our constitution foresaw that it would only be a matter of time when slavery would be abolished, and they wisely inserted a clause in the constitution abolishing the obnoxious slave trade after 1808. The abolition of slavery was a great reformation, and, like all beneficial reformations in governmental affairs, came about slowly. Hasty reforms are rarely beneficial. Beware of the schemer who would overthrow our time-tested institutions by some chimerical vagary.

11. Can an argument be produced to justify slavery?

ARTICLE XIV.—SECTION I.

12. Why should all persons be equal under the law? Are they equal otherwise?

SECTION 2.

13. What was the purpose of this provision?

SECTION 3.

14. Under what conditions should a person who has engaged in insurrection or rebellion against the government be intrusted with public office?

SECTION 4.

15. Why should a public debt never be repudiated?

16. Is the last part of this section just? Why?

SECTION 5.

NOTE—This section seems to be unnecessary. It ought to be granted without argument that congress has power to enforce the provisions of the constitution by appropriate legislation.

ARTICLE XVI.

This amendment extends the right of suffrage.

17. Should there be an additional extension of this right? If so, to whom?

INDEX.

A

	Page
Admiralty Inlet, survey of.....	27
Agricultural interests.....	104
Agricultural College.....	177
Alaska, trade with	104
Allen, John B., elected to congress.....	61
Anian, strait of.....	7
Anarchy.....	112
Aristocracy.....	111
Astoria, founding of.....	34
Attendance, compulsory at school.....	127
Attorney-General.....	171
Authority, submission to.....	120

B

Ballots	173
Bodega, voyage of.....	13
Bonneville, expedition of.....	36
Boundary—At 49th parallel.....	71
Canal de Haro.....	72
British claim Rosario Strait.....	73
Commission appointed.....	73
Commissioners, meeting of.....	73
Question, settlement of	75
Board of Education, state—Of whom composed.....	136
Term of office.....	136
Meetings.....	136
Expense of.....	137
Powers and duties.....	137
Secretary of.....	137
Board of Education, city, officers of.....	131
Branches of study taught.....	126

	Page.
Conventions—Of 1818 and 1824...	69
Of 1825 and 1827.....	70
Constitutional convention	98
Courts—Supreme, superior, jurisdiction of, judges of superior, clerk and reporter of supreme.....	172
Police, justice.....	149
County—Seat.....	152
Officers.....	153
Offices combined.	154
Officers, salaries of.....	154
Auditor, clerk, treasurer.....	155
Assessor, superintendent of schools, surveyor.....	156
Commissioners, constables, coroner.....	157
Division of the county ..	153
Officers, election and term of office ..	154

D

Denny, A. A., elected to congress	55
Democracy	111
Dixon, voyage of.....	16
Drake, voyage of	9
Duncan, voyage of.....	16

E

Education, necessity of.....	124
Emigrants crossing the plains.....	38
Enabling act.....	98
Evans, Elwood, appointed secretary.....	54
Evergreen state.....	106
Election officers, clerk, etc.....	173
Electors in each precinct.....	175

F

Family—Importance of, origin of ...	118
Members of.....	119
Influence of.....	120
Ferry, Elisha P., appointed governor	58
Ferrelo, voyage of....	8

	Page.
Flanders, Alvan—Elected to congress.....	56
Appointed governor.....	57
Florida treaty.....	69
First vessel built on the coast.....	19
First settlement in Washington.....	34
First settlement on Puget Sound.....	39
First territorial officers.....	47
First election in the territory.....	48
First legislature, meeting of.....	48
First state officers.....	98
First representative to congress.....	99
First United States senator.....	100
Fish industry.....	105
Fraser's Lake, establishment at.....	33
Fraser's River, gold discovery on.....	51
Four Lakes, battle of.....	93
Fur trade in the northwest.....	14

G

Galleons, the Spanish.....	9
Garfield, Salucius, elected to congress.....	57
Gholson, Richard D., appointed governor.....	52
Geographical names in Washington.....	28
Gray, Captain, first exploration of.....	21
Gray's Harbor, discovery of.....	25
Grand Ronde, battle of.....	90
Great Britain's claims to Oregon.....	66
Green River, skirmish on.....	84
Government—Origin of, necessity of, objects of.....	109
Forms of.....	110
Departments of.....	114
Child's second system of.....	124
Functions of city.....	145
Governor.....	168

H

Haro Archipelago joined to Whatcom County.....	72
Haller, Major, expedition of.....	82

INDEX.

353

	Page,
Heceta, voyage of.....	13
Holidays.....	126
How laws are made	167
How to vote	174
Hospitals for the insane	177
Hudson's Bay Company, supremacy of.....	35

I

Idaho Territory constituted.....	54
Ingraham, voyage in the Hope.....	23
Immigration of 1843-'44-'45.....	39
Important commercial events	103
Industry, habits of.....	121
Institute, teachers.....	136
Indian—Raids on Puget Sound.....	84
Commissioners to negotiate with.....	79
Still hostile.....	91

J

Jacobs, Orange, elected to congress.....	59
Juan de Fuca, voyage of	10
Justices of the peace.....	158

K

Kendrick, sails through strait of Fuca.....	22
---	----

L

LaPerouse, voyage of	15
Law—Definition, divine, international, constitutional.....	113
Municipal, common, statute.....	114
Makers.....	162
League of the tribes.....	92
Legislature—Compensation of members of... ..	167
Election and term of office of members.....	166
Powers and duties of each house.....	167
Legislative districts.....	162
Lewis and Clarke, expedition of.....	28
Lieutenant-Governor.	169

	Page.
Life-saving stations.....	81
Lower Sound, defense of.....	84
Lumber industry.....	104

M

Mason, governor, proclamation of.....	81
Manufacturing.....	106
Mayor.....	147
McMullen, Fayette, appointed governor.....	50
McFadden, O. B., elected to congress.....	57
Meares—Voyage of.....	17
Nootka purchase, attempts to find the River St. Roque.....	18
Members of legislature.....	162
Method of election.....	172
Mining.....	105
Missionaries, first in Washington.....	37
Monarchy.....	111
Moore, Marshall F., appointed governor.....	56
Moore, Miles C., appointed governor....	61

N

Names of the counties.....	152
New counties, formation of.....	152
Newell, William A., appointed governor.....	59
Nomination of candidates.....	173
N. P. Railway, Columbia division built....	58
Northwest passage.....	8
Nootka treaty.....	68
Northern Indians, incursions of.....	88

O

Oak Point, attempt to make settlement at.....	33
Observations on the discovery of the Columbia.....	26
Olympia founded.....	41
Other settlements on the Sound.....	40
Other settlements in Washington.....	42
Other state institutions.....	178
Oregon, origin of the name.....	14

Oregon and the fur companies.....	32
Oregon, just occupancy of, society for settlement.....	35
Original Oregon, extent of.....	65
Oregon volunteers.....	78
Origin of the war of 1856.....	80

P

Parents, duties of.....	119
Patriarchal government.....	110
Period from 1608 to 1768	11
Perez, Juan, voyage of.....	12
Penitentiary.....	178
Pickering, William, appointed governor.....	54
Plan of the campaign.....	86
Portlock, voyage of....	16
Port Gamble, battle of.....	88
Police.....	149
Polls, opening and closing.....	175
Poll tax.....	176
Provisional government, formation of	38
Provisions of the act creating the territory.....	46
Prosecuting attorney.....	150-156
Precinct officers.....	154
President of the senate.....	167
Property subject to taxation.....	176
Pupils, duties of.....	129
Puget Sound Agricultural Co.....	37

Q

Qualifications—Of members of legislature.....	166
Of electors.....	173
Quarterly examinations.....	135
Quorum of legislature.....	166

R

Rains, Major, expedition of.....	82
Registration, form of.....	175
Representatives to congress, elections of.....	101, 102

	Page.
Representative districts	164
Reform school.....	178
Revenue—Need of.....	175
Sources of.....	176
Road overseers.....	158
Roman Catholic missions.....	37
Russia's claims to Oregon.....	67

S

Salomon, Edward S., appointed governor	57
Salmon River gold excitement.....	53
Sand Hollow, battle of.....	78
San Juan controversy settled.....	58
San Juan Island, military occupation of	74
Scott, General, result of mission.....	74
School—Officers	124
District boundaries, change of.....	125
Common.....	125
New districts, organization of	125
Month, day.....	126
Year; term, minimum length of	127
District clerks.....	129
Directors; pupils, duties of.....	129
City or town district, principal of, superintendent of; study, graduation and course of.	130
Special city district, president of board, duties of; secretary of board, duties of....	131
State fund	132
Available funds.....	133
Special tax; county treasurer a school officer; county superintendent, election and term of office.....	133
County superintendent, powers and duties.....	134
Quarterly examinations.....	135
Teachers' institute.....	136
Superintendent of public instruction, election and term of office.....	137
Powers and duties.....	138
Superintendent of public instruction.....	171
For defective youth, normal schools.....	177

	Page.
Second vessel built on the coast.....	24
Shaw, Colonel, expedition of.....	89
Sheriff.....	154
Ship building.....	105
Semple, Eugene, appointed governor.....	61
Seattle settled.....	41
Seattle, attack on....	86
Settlers, three classes of.....	32
Settlers in Washington in 1844....	39
Size of the Territory of Washington.....	45
Slaughter, Lieutenant, death of.....	85
Smith, E. L., appointed secretary.....	55
Snake River, first establishment on.....	33
Soldiers' Home.....	178
Spanish occupy Nootka.....	21
Spanish explore strait of Fuca.....	22
Spain's right to Oregon.....	65
Spokane Plains, battle of.....	94
Squire, Watson C., appointed governor.....	69
State capital, location of.....	99
State, divisions of.....	115
State government.....	162
State—Institutions, classes of.....	176
Educational.....	176
Charitable, reformatory, penal, location of.....	177
Officers, election of.....	100-102
Officers, inauguration of.....	100, 101, 102
State officers.....	167
Powers and duties of.....	168
Salaries of.....	168
Election and term of office.....	168
Appointed.....	171
State—Auditor.....	170
Printer.....	171
Secretary of.....	169
Treasurer.....	170
Commissioner of public lands.....	171
Senatorial districts.....	163
Sessions of the legislature.....	166
Steptoe Butte, battle of.....	91

	Page.
Strait of Fuca, re-discovery of.....	17
Stevens, Governor Isaac I., proclamations.....	47
Stevens, Governor Isaac I.—Visits the national capital.....	49
Elected to congress.....	50
Re-elected to congress.....	52
First treaty with the Indians.....	79
Return from the Blackfoot coun- try	85
Second council at Walla Walla ..	90
Attacked by Indians.	91
Size of the state.....	106

T

Teacher—Functions of.....	127
Legally qualified, duties of.....	128
Theocracy.....	110
Transition from territory to state.....	97
Transportation companies, organization of.....	56
Treaty of 1846... ..	70
Tribal form of government.....	110
Touchet, battle of.....	79

U

United States, claims to Oregon.....	67
Unit of the school system.....	125
United States senator—Balloting for.....	101
Election of.....	103
University of Washington.....	177

V

Vancouver—Voyage of.....	24
Meets Gray.....	25
Viscaino, Sebastian, voyage of.....	11
Vice-President of school board.....	131
Voyages, early.....	7
Voorhees, Charles S., re-elected to Congress.....	61

W

	Page.
Washington—Territory created.....	45
Ship, voyage of.....	19
State admitted into Union.....	98
Government of	115
Volunteers, organization of.....	58
And Oregon Volunteers, organization of.....	81
Population of.....	103
Wallace, W. H., appointed Governor.....	53
Walla Walla—Founded.....	51
Expedition to.....	83
Wagon road over the Cascade.....	49
Who are admitted to school	125
Whitman—Massacre	77
Dr. Marcus, character of	78
Wright, Colonel—Expedition into Yakima Valley	89
Expedition to Spokane.	93
Wyeth's expedition.....	36





INDEX TO THE STATE CONSTITUTION.



A

	Page.
Amendments—To state constitution.....	247
Convention to amend, how called.....	248
Either house may make.....	194
Appeal, right of.....	188
Appropriations	222
Appropriation, authorized to pay deficiency for expenses of constitutional convention	260
Arms.....	226
Attorney-General.....	205

B

Ballot, all elections by.....	218
Banks, insolvent, shall not receive deposits.....	234
Bail	188
Bill, to consist of one subject.....	194
Bills, introduction of limited, amendments to.....	199
Board of health, state.....	244
Boundaries of the state.....	249

C

Capitol building.....	240
Census, state.....	190
Chief justice, vacancy, how filled.....	207
Cities—Charters for.	230
Amendments of, privileges of.....	231
Common carriers—Rights, duties, certain combinations of for- bidden, discrimination in rates forbid- den.....	235
Shall not consolidate....	236

	Page.
Common carriers—Rolling stock considered personal property, regulation of fares and freights.....	236
Convicts, labor of.....	197
Constitution, state—Mandatory.....	189
Voters must ratify.....	249
In effect, when.....	258
Separate articles submitted, female suffrage, prohibition, form of ballot.....	259
Corruption of blood prohibited.....	187
Corrupt solicitation.....	197
Corporations—Shall not be aided by counties and municipalities.....	223
Not created by special laws; charters when not valid, legislature shall not extend franchise.....	232
Liabilities of stockholders, construed to include what, stock, fictitious issue void, organized outside of state.....	233
Leasing or alienation of franchise, state shall not loan its credit to, eminent domain, state may exercise right of, shall issue none but lawful U. S. money, liabilities of stockholders.....	234
Credit of state shall not be pledged to aid....	222
County—Organization recognized; new organization of; seats, removal of; change of boundaries.....	227
Government, system of; officers, compensation of. .	228
Officers, vacancies, ineligibility of, salaries of, all counties liable for State taxes.....	229
Courts—Supreme, consist of whom; supreme judges, election of, tenure of office; inferior courts.....	206
Supreme, jurisdiction of; powers of judges; superior.	208
Superior, sessions of.....	209
Superior, jurisdiction of.....	210
Superior, powers of.....	211
Inferior, jurisdiction of.....	212
Of record.....	212
Supreme; reporter for, publications of opinions, clerk of.....	214
Supreme clerk, salary of.....	216

	Page.
Courts—Superior, clerk of; commissioners, powers of.....	215
Rules of.....	215
Transfer of cases	254
Transfer of cases in probate court	256
Seals	256

D

Debts—Of territory assumed.....	252
Fines, etc., inure to state.....	253
Defense in court, right of.....	188
Divorce, legislature shall not grant.	195

E

Education of children.....	223
Elections—Must be free and equal.....	188
Of executive officers, returns, certificate of election	200
Contested	201
First, contest of.. ..	257
To adopt constitution, how conducted.....	258
Electors—Qualifications of; in school elections; certain per- sons not.....	217
Eligibility to state office.....	205
Excessive bail prohibited	187
Executive department, of whom consists.....	200
Existing rights of territory to continue.....	252
Ex-post facto laws prohibited.....	189

F

Free speech guaranteed	185
Free passes prohibited	237
Fundamental principle.....	190

G

Governor—Tenure of office and of other State officers.....	200
Duties of; message; may convene the legislature in extra session.....	
Commander-in-chief; pardoning power.....	201

	Page,
Governor—May remit fines; duties in regard to enactment of laws, vetoes...	202
May veto one or more items or sections, fill vacancies by appointment; salary of; shall issue all commissions.....	203
Government lands, U. S., have jurisdiction over, exceptions..	250

H

Habeas corpus, writ of.....	187
Harbor line commission.....	240
Hereditary privileges.....	189
Homestead	244

I

Immunity from self-conviction... ..	186
Impeachment, proceedings of; for what offense.....	216
Imprisonment for debt prohibited.....	188
Indebtedness—State; limited; exceptions to limitations; special provisions for; incurring.....	221
In cities and towns and school districts, limits of	222
Institutions—State, educational, reformatory and penal.....	238
Irrevocable privileges.....	186

J

Judges, Superior—Tenure of office.....	209
Powers of, may hold court in any county by request, pro tempore.....	211
Leave of absence	211
Salary of, how paid, amount per annum, ineligibility to any other office.	243
Charge to jury, eligibility of, shall not practice law	214
Decisions of cases, limit of time....	214
To report to supreme judges.....	215
Oaths of office	216
Judicial Officers—Removed by legislature	211
Proceedings.....	212

INDEX.

365

	Page.
Judicial officers—Compensation of	213
Jury—Right of trial by.....	189
Grand	189
Justice, how administered	186
Justices of the peace.....	212

L

Lands, ownership by aliens.....	193
Land commissioner, duties of.....	205
Laws—Style of.....	194
Private forbidden in certain cases.....	195
Take effect, when.....	198
Relating to mines and factories, amending.....	199
Of Territory of Washington valid.....	253
Legislature—Vested in whom, limited membership.....	190
Election returns, quorum, rules, officers, journal of each house, adjournment.....	192
Meetings, limit of session, ineligibility of mem- bers to certain offices	193
Vacancies, immunities from arrest, free speech of members	194
Yeas and nays, entered on journal in passage of bill	194
Compensation of members, extra compensation forbidden	195
Member shall not vote in certain cases.....	197
Lieutenant-Governor, duties of, salary.....	204
Lottery, legislature shall not authorize.....	195

M

Method of voting in the legislature.....	19
Medicine, practice of.....	244
Military—Subordinate to civil authorities.....	188
Duty, who are liable to.....	225
Duty, exemption from, organization of, immunities from arrest.....	226
Municipal corporations—Rights of.....	241
Not created by special acts.....	229

O

	Page.
Oaths, how administered.....	185
Offices—To be kept at the capital.....	205
May be abolished.....	206
Officers—Removal from office.....	217
First election of, subsequent elections of.....	218
State, first election of.....	254
Election of not otherwise provided.....	257
District, county and precinct to hold office until 1891.....	258
Territorial list of.....	272
State, list of.....	277

P

Passes forbidden.....	199
Penal actions.....	254
Political power.....	185
Presiding officer to sign bill.....	198
Private affairs sacred.....	186
Processes, style of.....	215
Private property—The taking of.....	187
Not taken for debt of corporation.....	231
Prosecution by information.....	189
Public lands—Shall not be sold for less than market value.....	241
For educational purposes, school, how sold.....	242
School subdivision of, school investment of funds.....	243
Unappropriated, right to disclaimed.....	251
Public money, unlawful use of, all to be deposited with the state treasurer.....	232
Public officers.....	254
Public school system guaranteed.....	252

R

Railroads shall not discriminate against express companies.....	237
Receipts and expenditures, statement of.....	220
Recognizances taken under territorial government valid under State government.....	253
Registration laws.....	218

INDEX.

367

	Page.
Religious liberty.....	186
Religious toleration guaranteed.....	251
Representative--Districts, first apportionment.....	246
In congress.....	257
State, first election of, second and subsequent elections.....	191
Residence, not gained or lost by military service.....	217
Revenue, deficiencies in provided for.....	220
Right of trial.....	185
Rights not denied.....	189
Right to bear arms.....	189

S

Seat of government--Permanent location of.....	239
Temporary seat, how changed.....	240
Seal, State, design of.....	244
Secretary of State, duties, salary, shall keep seal.....	204
Senators, State--Election of..	191
Eligibility of members.....	192
Senatorial districts, first apportionment.....	245
Schools--Public, uniform system of, common, fund, derived from what source.....	224
Legislature may provide for increase of funds, non-sectarian, losses to permanent school fund....	225
Soldiers' home.....	226
Special privileges not granted.....	186
Statistics, bureau of.....	199
State auditor, duties of, salary.....	204
Standing army.....	189
Supreme law.....	185
Superintendent of public instruction, duties of, salary... ..	205
Suit against the State.....	195

T

Taxation--All property according to value, annual levies, uniform and equal rates, exemptions.....	219
No tax except in pursuance of law, all taxes paid in money; corporation property, assessment of	220

	Page.
Taxation—Local, governed by general laws.....	231
Taxes, special, rights of cities and towns to levy.....	220
Telegraph and telephone companies.....	237
Tide lands, claim of State	243
Treason, defined.	189
Trusts and monopolies forbidden....	238

V

Voters, immunities from arrest	218
--------------------------------------	-----

W

Water rights	244
Wharfs, landings, docks, areas reserved for leasing sites for..	241







LIBRARY OF CONGRESS •



0 029 827 402 4